NORTH AMERICAN REVIEW

No. DLXXIII.

AUGUST, 1904.

THE BALTIC FLEET AND THE NORTHEAST PASSAGE.

BY REAR-ADMIRAL GEORGE WALLACE MELVILLE, U.S.N.

I HAVE been asked by the Editor of the NORTH AMERICAN REVIEW to give my views as to the practicability of the use of the Northeast Passage through the Arctic Ocean by the Russian fleet in transit from the Baltic to the Pacific. In discussing this matter, I prefer to disregard the bearing which military expediency may have upon it, and to consider it solely from the standpoint of an Arctic explorer who, for almost two years, ice-beset in the "Jeannette," drifted to and fro over perhaps the most exposed and dangerous portion of this possible route. Russia's Baltic fleet, available for service in Asiatic waters, consists, according to recent reports, of from fifteen to twenty ships of large tonnage, the majority of which are battle-ships and armored cruisers. Broadly speaking, then, the question is simply whether heavy armored vessels of high power can face the northern ice successfully at this season and round Asia in safety.

The memorable achievement of Professor Nordenskjöld furnishes, in large part, an answer to this question. In the "Vega," a slow steam-whaler of but 300 tons burden, he left Tromsoe in July, 1878, and, late in September, put into Kuliuchin Bay, but little over a hundred miles from Bering Strait, where, blocked by

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closely packed ice, he was forced to winter. His somewhat late start, the slow speed and low power of his vessel, and an unfavorable season combined to prevent his immediate passage of the strait, since whalemen frequently traverse the seas near where he wintered for a month or more after his progress was stopped.

Before Nordenskjöld's day, however, a long line of Arctic navigators and explorers of many nations, with a daring equalled only by the toil and suffering they endured, had mapped, rudely, it is true, the shore-line from North Cape to Bering Strait, and, by their united efforts extending from the ninth century onward had practically completed, although in links parted by years and distance, the coast-survey of the Northeast Passage.

England, seeking maritime commerce, despatched, in 1553, the first important expedition under Sir Hugh Willoughby, one of whose captains, Richard Chancellor, reached a port which is now Archangel on the White Sea. In 1580, the Englishmen, Pet and Jackman, were the first sailors from the west to navigate the ice-blocked Kara Sea. Holland, looking for a way to the Indies which Spain and Portugal could not imperil, sent out in 1594, under the heroic Barents, the first of a number of expeditions fated, like those of England, to failure in their main purpose, but each adding its share to the world's knowledge of Arctic seas and shores. The English and Dutch efforts were supplemented and followed by those of the Russians, which, although begun for hunting purposes, were turned later toward exploration simply. By the middle of the seventeenth century, three-fourths or more of the entire northern shore had been traversed. Bering Strait was first passed in 1646, and Cape Chelyuskin, the Great North Cape of Asia, was discovered in 1742. For nearly twenty years previous to the latter date, an extended survey of much of the coast-line had been carried on by Russia.

In modern years, in addition to the "Vega's" cruise, Nordenskjöld made two preliminary exploring runs, one in a vessel of 70 tons, to the mouth of the Yenisei; Captain Joseph Wiggins has steamed successfully a number of times to the same destination; and the essays of commerce in the Arctic have been frequent from the West. With this knowledge and from my own experience in these seas, I do not hesitate to assert that, when there is need to face its possible dangers, the Northeast Passage must be regarded as a practicable route for a determined and able commander.

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Turning to the map, let us glance at the probable course which a fleet would follow in this transit. After leaving the Baltic and rounding North Cape, the ships would proceed through Kara Strait, between Nova Zembla and the continent, to the north of White Island, and make directly for Cape Chelyuskin. Then, passing the cape and hugging the coast-line, the fleet should steer south of the New Siberia Islands and Wrangel Land to Cape Serdze-Kamen, East Cape, and Bering Strait. Thence, through the strait to Petropavlovsk in Kamchatka, where the ships could refit before further progress to the south.

The most practicable course is that near the coast-line, wherever possible. My reason for so thinking is that the prevailing winds frequently drive the ice off the coast, leaving a channel inshore. In the Kara Sea, the first obstruction from ice may be met; but the "Vega" found the strait free and the other voyages of Nordenskjöld and Wiggins extended to the Yenisei, eastward of these waters. Again, during July and August, whalemen go as far north as the Great Ice Cape of Nova Zembla, near which Barents wintered and off which he died.

A course between the New Siberia Islands and the coast is preferable, because the water is deeper there than it is between the islands of the group. In fact, there are no channels between these islands. Again, from June until October, there is nearly always open water south of the islands, since the ice is held off by the wind. The gap, nearly forty degrees of latitude in length, between the New Siberia Islands and Wrangel Land, is a stretch of sea in which the ice crowds down on the land; but there is deep water up to the shore, and, with each varying wind or tide, the ice may close in or leave within an hour or a day. Nordenskjöld was obliged to winter on the coast because the ice had pressed in near Cape Serdze-Kamen. It is altogether possible that a speedier ship of higher power than the "Vega" would have been able to push, not jam, her way through. Had he rounded this cape, he could have passed East Cape and proceeded through the open sea.

Until the Kara Strait is reached, no difficulties will be encountered which would not be met in ordinary cruising in high latitudes. The Arctic voyage practically begins at this point; and, in traversing the distance to East Cape, the dangers which might imperil the fleet are the persistent fog which prevails in the Arctic during the summer season, the illy charted waters through which

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the ships must pass, and, finally, and most important of all, the ever-present ice.

Fogs and the lack of absolutely accurate charts will both necessitate low speed and the frequent use of the sounding-lead. It will be remembered, however, that our ignorance of this coast-line is relative only. The many efforts of many navigators of the past to which I have referred, have resulted in charts which give information, quite sufficient at least for times of stress, as to the depth of water, currents, and winds along the whole shore to East Cape. In this, I speak with extended knowledge, shadowed by some mournful memories, for I was the cartographer of the lost "Jeannette"; and, for many weary months, my companions and I studied eagerly the characteristics of that coast-line in our search for a safe line of retreat when, as we foresaw, our ship, ice-beset and leaking, must some day sink.

A further fact which will tend to reduce the possible danger of grounding is that the bottom of practically the whole of the Arctic basin north of Siberia is of sand or silt, owing to the discharge from the large rivers with many mouths which find outlet there. Hence, a rocky and irregular bottom is seldom met, although sand-banks and shoals are numerous. If the ships should take the ground at low speed, they must, therefore, in all probability, back off easily, with assistance from their consorts if necessary. These facts and the smooth sea which they would meet during the Arctic journey bring the likelihood of grounding within wholly practicable limits.

The question of the ice-obstruction is, in my view, the only possible danger of much importance. I have already noted the regions in which it is most likely to be met and the chances of freedom even there. It should be remembered also that a large, high-powered armored ship, having weight, momentum, and speed when required, will push her way with ease through the "pack" or broken ice which might bar wholly the progress of such a relatively small and weak craft as the "Vega" was. The pack will not trouble armorclads or the protected-cruisers and colliers which accompany them. The real ice-peril lies in meeting the solid "floe," which, driven by the wind, might force the ship bodily on a shoal or ashore. The meeting is quite possible, but I have already pointed out the favoring circumstances in the character of the bottom, the nature of the prevailing winds, and the occa-

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sional shelter of the islands. Under average circumstances, the rest may well be left, and safely, to the seamanship of able and determined men. There is the additional possibility of being caught between two colliding floes, but this is not probable and can be avoided by skilful and careful ice-navigation. While I have raised the ghosts of these possible perils, I do not believe that they are substantial probabilities. Did not Nordenskjöld, in his small, slow craft, traverse the Northeast Passage in entire safety? He was accompanied also, for much of the distance, by the "Lena," a mere iron-tank steamer, which passed on unscathed, and, if not since lost, is still running, in the summer time, on the Lena River carrying freight and passengers. Again, on the Greely Relief Expedition, commanded by Captain (now Rear-Admiral) Schley, of which I was a member, we took with us as a collier a common iron tramp-steamer, the "Loch Garry," which, without stiffening timbers or outside protection, forced her way through the ice-blocked seas unhurt, as far north as Upernavik. As a whole, the ice-question, while problematical, has much to minimize its dangers.

The ships of a war-fleet, such as is under discussion, are armored to four feet or more below the water-line, stiffened from end to end by the protective deck, and have massive bows fitted for attack by ramming. They are, therefore, far more capable than the ordinary merchant steamer of pushing a way through the pack and of resisting the side-pressure of opposing floes. Again, such vessels as have the extended ram-bow of French type are equipped with the best possible weapon for attack on the ice, by underrunning it and allowing it to break of its own weight. As an additional precaution, the bows of all ships should be strengthened with heavy timbers; the latter, laid athwartships, should be used to stiffen the hull, and there should be a removable iron-plated timber-sheathing, extending, at the water-line, from the bows to amidships. This sheathing and the timbers could be removed to St. Lawrence Bay below East Cape, before going south to Petropavlovsk. These precautions must be regarded as extraordinary, if the passage be made in the open summer season. In addition to the other instances which I have cited of ordinary vessels cruising at this time in these waters in safety, I recall that Mr. Oscar Dickson and other northern merchants started an experimental line of steamers to carry grain from the mouth of the

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Yenisei River to Europe. The enterprise failed, not because of the destruction of the ships but because it was not a commercial success. There is every probability, therefore, that men-of-war could find their way with ease through the loose ice-pack, and, if heavy floes are met, with their strong hulls and powerful machinery they should be able to push from their path floes which would stop a weaker vessel.

Coal could not be obtained at any point along the Northeast Passage, unless, as is very improbable, it could be sent on flat boats down the Yenisei or Obi rivers. On the other hand, all of the ships of the Baltic fleet have, or should have, fuel in their bunkers sufficient for a steaming radius of 5,000 miles, especially as, for reasons given previously, the speed must be low. Sufficient for an additional 1,000 miles can also be carried on their decks and in their fire-rooms, since the ships will not become topheavy as there are no rolling seas on this coast, calm water prevailing until the Great East Cape is rounded, by which time the ships would be lightened and ready to proceed in the open sea. During the Arctic voyage, therefore, such deck-loads would have no injurious effect upon the stability; they would simply increase the draught.

To provide for all emergencies with regard to fuel, a squadron of colliers should accompany the fleet, these tenders being sufficient in number to allow for the possible destruction of a fair percentage of these relatively weak vessels by the ice-floes. The colliers should discharge their cargoes at different points along the route. The first division of these tenders, for example, could transfer their coal to the fleet at the Kara Strait and then return to Kronstadt; the second could unload at Cape Chelyuskin, proceed to the White Sea, refit, and steam westward to a home port; a third could discharge at the Great East Cape and then make Unalaska or St. Michaels in Norton Sound; and the remaining colliers with full loads could accompany the fleet to Petropavlovsk.

These tenders, not being constructed for ice-navigation, should be strengthened, as has been described previously. They should have wooden sheathing on the bows and along the sides to amidships for four feet down from the water-line, and transverse stiffening timbers should be fitted in the bunkers. As I have stated, this is an unusual, and in a favorable season it would be an unnecessary, precaution. Our collier in the Greely Relief Ex-

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pedition did not require it, and the experience of the "Lena" and the "Frazier," which accompanied Nordenskjöld through a portion of his journey, was similar.

It has been suggested, in discussions of the possible transit of the Arctic by the Russian fleet, that the ice-breaker "Ermack" should be able to force a passage for the war-ships. I doubt the practicability of this, since her coal-capacity is probably small. Of course, no vessel yet constructed by man will cut a channel through heavy floe ice. In lesser work, however, the "Ermack," if she could carry coal enough for a run of reasonable length, might be of much assistance to the expedition.*

I have gone over briefly the main facts bearing on the possible transit of the Northeast Passage by a fleet of war-ships. In this discussion, I have not viewed the question either from a military or an academic standpoint, but from that of the long and somewhat bitter experience which I met in actual service in the Arctic, especially in waters which such a fleet would traverse. From my knowledge of those seas, I firmly believe in the practicability of such a voyage, under the conditions I have recited. As to the military advisability or necessity of such an effort, I say nothing. The early failures to complete the Northeast Passage were but the attempts of heavy, slow, and ill-equipped sailing vessels. There seems now no doubt of the transit in the summer season by strong, high-powered steamships and men-of-war. In facing its possible dangers, a determined commander would find inspiration not only in the national need of his service, but in the memory of the fidelity and fortitude of men like Willoughby, Chancellor, Barents, Bering, Nordenskjöld, and a long line of explorers, whose names shine brilliantly on every page of the history of the Northeast Passage.

GEORGE WALLACE MELVILLE.

* The "Ermack" is 335 feet long, 71 feet beam, and, with coal and stores on board, is about 8,000 tons displacement.

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AUTOMOBILE LEGISLATION: A CRITICISM AND REVIEW.

BY THE HONORABLE JOHN SCOTT-MONTAGU, M.P.

THE chief characteristic in the history of automobile legislation is the continual, misdirected effort of the law to control vehicles about which the law-makers have had, as a rule, but shadowy and erroneous ideas. The general public have hardly known what they really wanted, except protection against dangerous driving; whilst motorists, on the other hand, desiring reasonable freedom, have been led to fight against restrictions which have impeded, and in some cases are still impeding, the development of the automobile. In my opinion, the fatal fault underlying the legislation of most countries is found in the designation of a specific speed limit as a means of insuring safety to other road-users. "Speed" and "danger" are not equivalent terms, any more than "slowness" and "safety"; and the use of discretion by the driver is a better guarantee of safety to the public than the mere limitation of miles per hour. However, it must be admitted that, in certain places where crowded traffic and narrow streets exist, a speed limit is harmless; but it is also useless for public protection, for slow vehicles in crowded streets kill persons as well as faster carriages. A speed limit on the open highroad will always be a source of friction between the motorist and the authorities, and this system of attempting to control automobile traffic suffers from the two fundamental disadvantages of being, as a rule, unenforceable, on the one hand, and, on the other, useless, so far as public safety is concerned. Future generations in all civilized countries will laugh at the cumbrous and illogical efforts their forefathers made to restrict the use of the automobile, and smile at their assumption that it was a dangerous and uncontrollable vehicle. Before another decade shall have passed, it

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is not unlikely that the horse vehicle will be regarded as uncontrollable rather than the motor-car. Indeed, this is sufficiently demonstrated by statistics to-day, for the number of people killed and injured in the bigger cities of Europe and America by horse-drawn vehicles is unexpectedly large, while the number of motor-car accidents per mile run is small in proportion.

Automobilists are also harassed by legislation inspired, to some extent, by horse-breeders and horse-dealers, who are now beginning to fear the progress of a new and dangerous rival. There is, therefore, a constant effort to limit motor-cars to the same speed as their own animals can attain, for fear their trade should be injured. It should also be remembered that there are many millions of capital invested to-day in horse traction which will gradually become unremunerative, for it is certain that the automobile will largely alter the course of some trades and ruin them, unless they change their methods and begin to adapt their businesses to the conditions created by the new vehicle.

The stages through which the law has passed regarding automobilism has been much the same in every country, and the changes have faithfully represented public opinion. First of all, there has been the stage of contemptuous indifference or disbelief, legislatures having at one time held that it was quite unnecessary to legislate for vehicles which were never likely to become numerous or practical. This stage has been generally followed by fear and by inability to understand the immensely greater power of control in mechanical than in animal traction; and that again has been followed by jealous dislike of and prejudice against a system of propulsion which is contrary to the ideas of all previous generations. The third stage has been often marked by panic legislation, due to the fact that the increase of motor-cars has been so rapid in some countries that a new political and social force has arisen, which is feared by those who love to cling to old ideas. When, also, the establishment of the motor-car becomes assured in any country, it naturally arouses jealousy in the minds of the majority of others engaged in traction work. Some people at once endeavor to see how the new method can be made useful to themselves, while others offer senseless and pig-headed opposition. Railway companies are a good instance of this. They first of all disregarded and despised the automobile; then they grew afraid of it; and now the more enter-

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prising companies are using it largely in connection with their systems. The parliaments of all nations have also displayed a marked tendency to legislate for motorists without realizing that they are, after all, in the main humane and sane men. It seems to be difficult to persuade some legislators that motorists value their lives like other people, and that they do not habitually desire to kill or wound their fellow men; also, that the possession of a valuable machine naturally tends to make the owner cautious as to what he does with it.

In the several countries the national temperament is at once apparent in its effect upon the legislation. In France, a country naturally receptive of new ideas, automobile legislation has been, on the whole, much more liberal than in other countries. Not only this, but the administrators of the law have been judicial and unprejudiced. In England, the reverse has been the case. The first automobile law of 1896 was justifiably cautious; for, at that time, it was thought to be almost indecent to ask for a speed of more than twelve miles an hour, the pace attained at times by a fast trotting-horse, the highest standard of road travelling then available. In Great Britain the feeling in some localities is still against the motorist, though it is not so prevalent or so violent as it was a year or two ago.

In Germany, the official and bureaucratic tendency has manifested itself in the number of regulations filled with minute instructions about everything which a driver should or should not do, and the limitation of speed in cities, in some cases, to less than four miles an hour. A total prohibition is also in force in some of the provincial towns, in order, to use the German official words, "not to frighten children and horses."

In the United States, the lack in most places of good roads, except in the immediate vicinity of the large cities, has of course hitherto been a drawback to widespread automobilism. In the backwoods and out-of-the-way districts, where the inhabitants live at a great distance from the railway and larger towns, the harmless automobile has been looked upon as a creation of the Evil One; and the horse-breeding and farming interests, not seeing in the automobile their best friend, have started agitations with the result that some quite unnecessary and disagreeable restrictions have been passed into law.

But in all cases we must assume that the object of reasonable

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automobile legislation is to make drivers cautious and to protect the public. In order that the reckless driver may be punished, identification, in almost all countries, has been resorted to, and the penalties for the infringement of the laws as to speed or dangerous driving generally take the form of fines, and in some cases imprisonment as well. Both these penalties are, as a rule, reinforced by forfeiture of license in cases of grave misconduct for a more or less extended period. It may be that the best solution of the difficulties which must be met by the framer of any comprehensive motor-car legislation in future may be found in adopting the precedent of the laws applying to sea-going vessels. The principle underlying marine legislation is that the onus of avoiding collision or danger lies upon the faster and the more easily controlled vessel, on the assumption that it is her duty to keep out of the way of the slower and less handy craft. It is, therefore, a fixed rule, commonly obeyed, that the fast liner has to give way to the sailing brig or even to the pleasure yacht, provided that the liner herself is not forced into a dangerous position, and that reasonable common sense and caution are used on both sides.

With regard to the historical aspect of legislation, I give below the chief points of interest.

Great Britain. In the early part of the last century, about 1824-1835, steam-carriages were running on the high-roads with a good deal of success, and were eventually considered to be dangerous competitors to the stage-coaches of those days. The stage-coach and horse-owning fraternity, therefore, set to work, with the cooperation of the horse-breeding interest, *i. e.,* the farmer, and eventually achieved success by persistent and unfair obstruction of the roadways, until the crowning piece of legislative restriction came in 1865, which provided that every road locomotive should be preceded by a man with a red flag, and should not exceed a pace of four miles an hour in the country, and two miles an hour in towns. This state of things existed until 1896.

The Light Locomotives on Highways Act abolished the man with the red flag; and, terming motor-cars "light locomotives"—a somewhat cumbersome definition—allowed them to proceed at a speed not exceeding fourteen miles an hour, the maximum fixed by Parliament, which the Local Government Board further reduced to twelve miles an hour.

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In 1903, there having been much public agitation on both sides for three or four years—motorists, on the one hand, pleading that the speed limit was ridiculous, and bitterly complaining of the injustice of police traps and the fallacious cheap stop-watch system; the public, on the other hand, complaining that it was impossible to identify motor vehicles which had caused accidents or annoyance, and clamoring for numbers or some easily visible marks of identification—the Motor-Car Act was passed which is the chief law to-day. The writer of this article took a prominent part in the debates, and was at the time much blamed by some unthinking persons for being unable to defeat the large anti-motorist majority which then existed in the House of Commons. Although by no means a perfect Act, from a motorist's point of view, it is now admitted to be a great improvement on the Act of 1896. The measure provides for identification by numbers, and allows a maximum speed of twenty miles an hour, a figure which represents the compromise arrived at by the Government between those supporting the speed limit of twelve miles and those who opposed any limit at all. Parliament by a large majority thought it desirable to fix a speed limit, and the automobile party were powerless, except to resist as much as possible a further reduction below twenty. Looking back upon the fight of last August, I certainly think we were lucky to come out as well as we did.

Great Britain and Ireland are divided into 243 districts, for the purposes of registration, under the authority of the county councils and county boroughs. Thus, cars registered in London bear the letter "A" with the owner's name, those in Hertfordshire "B." The letters "I" and "S" are similarly placed before the county or borough letter on cars registered in Ireland and Scotland, respectively. Drivers must also obtain a license, which is in no way a guarantee of ability to drive, but solely a means to enable the law to cancel the right to drive in cases which call for this penalty under the Act. The charge for a motor-car license is one pound, for a motor-cycle five shillings, and a driver's certificate costs five shillings. The Act has, however, to be reconsidered in three years from its enactment, *i. e.*, in 1906; and British automobilists, while not objecting to some portions of the Act, hope that any speed limit on open country roads will be removed, and that the Legislature will recognize that the section dealing with reckless driving embodies in a comprehensive way

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everything necessary for the public safety, and that this section alone should be accepted as an ample safeguard. In my opinion, a general power such as this is far more efficient than any specifically defined speed limit.

France. There have never been in France any restrictions to be compared with those of the red-flag law which existed in Great Britain prior to November, 1896. In 1894, motor-cars had already begun to appear to some extent on the roads of France, but it was not till the decree of May, 1899, which contained the nucleus of the law that now governs the use of automobiles in the French Republic, that any attempt was made to deal seriously with the question of speed, registration or identification.

The first section of this decree mostly deals with the design of the car, and provides that the construction shall be such as to prevent any escape of explosive material or fuel which would cause fire.

Sub-sections 2 and 3 provide for the registration of owners, and for permission to circulate in the country. The regulations of France differ from those of Great Britain, in that the certificate denotes competency to drive and is given to an applicant only after a trial. This trial takes the form of an examination by an official of the Mining Department; but the trial is not of much practical use, merely consisting of going backwards and forwards, using the brake, and driving through ordinary traffic. Still, there is no doubt that, to a certain extent, it prevents entirely unskilled drivers from being a source of danger to themselves and the rest of the public, though it cannot prevent recklessness or selfishness.

Sub-section 4 of Section III. describes the regulations as to one vehicle towing another, to which form of vehicle the name of "trailer" has been given in England and America.

Sub-section 6 deals with the driving in traffic of commercial vehicles upon which there are heavy loads, or after which are drawn trailers conveying loads.

Sub-section 7 deals with the question of speed, and the following quotation may be interesting to readers:

"Automobile races may not take place on the public roads without a special permit delivered by each of the Prefects of the Departments interested, after reports from the chief of the highway services. This permit will not relieve the organizers of the race from the obligation

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of obtaining permission from each commune interested at least eight days before the date fixed for the race. The speed may then exceed eighteen miles an hour (thirty kilos) in the open country, but in any case may not exceed twelve miles an hour in congested districts."

This is the sub-section under which the races are held in France, and thus the wishes of the inhabitants of various localities have to be consulted beforehand; but as the races invariably bring a good deal of money into the said districts, it is rarely that much objection is offered. After two penalties or convictions in a year the authorities have power to endorse the driving certificate, this power being analagous to that prevailing under the Motor-Car Act of 1903 in Great Britain. Some modifications have lately taken place in this decree, providing that all motor-cars weighing over six cwt. shall have a reversing gear fitted. Identification by numbers is also insisted upon for all mechanical vehicles, whether commercial or private.

With reference to the administration of the French automobile laws, it may be said they are usually leniently administered, and the police as a rule exercise great common sense in the application of the regulations. It is rarely that a touring-car is interfered with, unless reckless driving is indulged in, through or near towns. In the open country, police traps are never set; and it is small wonder, therefore, that people are beginning to tour in France in increasing numbers every year, in consequence of the liberal treatment they obtain from the French public and authorities. Local French hotels are thus decided gainers in this respect over such institutions in the country districts of Great Britain.

Germany. In Germany, as might be expected, the rules and regulations are numerous, and deal with every manner of detail. No uniform law or regulations have, however, been passed by the Reichstag for the whole community, but each state has made its own decrees, and the decrees differ widely in different parts of the Empire.

The police regulations for Berlin, however, have been adopted by most of the principal German states and cities. It is expected that before long the Government will bring forward a bill dealing with motor-cars on the lines of these regulations.

The chief points insisted upon in Berlin are that, with regard to speed, motor-cars after dusk, on streets or roads bordered with

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houses or shops, must not exceed the speed of a good trotting-horse (a curious and indefinite method of computation), in practice estimated at about nine miles an hour. This speed, however, may be increased according to the judgment of the driver on open and straight roads, he, however, being held responsible and liable in case of any accident. With regard to the cars themselves, it is ordered that each motor-car must be provided with two separate and quick-acting brakes, each of which must be capable of bringing the vehicle to a stop on smooth and dry asphalt, when going at a speed of nine miles an hour, within a distance of twenty-five feet. Each motor-car has also to carry identification marks, consisting of a letter of the alphabet with a number, the details of which are regulated by the police. Driving certificates are issued by the authorities, and all drivers must comply with the regulations printed thereon. In Berlin, the certificate is first issued by some school of instruction recognized by the authorities, or given by a recognized expert. Foreigners coming into Germany, and holding certificates from their own country, must have these certificates examined and passed by the German authorities before permission is given to drive at all in the country. The penalties inflicted for breach of any of the regulations are money fines up to five pounds and imprisonment up to fourteen days. These regulations, which apply to Berlin, are also in force, as I have before stated, in many of the smaller German states—for instance, they are the law in the provinces of East and West Prussia, Hanover, Brandenburg, Hesse-Nassau, Posen, Silesia, Schleswig-Holstein, and Westphalia. In the Duchy of Brunswick, the speed limit in cities has been fixed at six miles an hour, in the open country outside towns at eighteen miles an hour. In the province of Würtemberg, the same speed on the open road is allowed, but the speed within town areas is slightly higher. In Alsace-Lorraine, the regulations affecting automobiles are exceedingly severe. In the city of Colmar, for instance, a motor-car may not exceed the speed of a horse-driven vehicle which may happen to be only going at four miles an hour. Some nineteen streets are altogether forbidden to motor-cars in Metz, while in the remaining roads and streets only a speed of eight kilometres, or five miles, an hour is permissible.

Switzerland. This country is not suitable for fast automobile travelling, on account of the severe gradients to be encountered,

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and the fact that many of the roads have a rock wall on one side and a precipice on the other. The various cantons have also combined to make their localities as unpopular as possible to automobilists. Each canton has its own code of rules and laws, all of them very stringent and restrictive. In several cantons—for instance in Grisons and Valais—motor vehicles are prohibited altogether. The hotel-keepers in many parts are beginning to complain bitterly, but the fly-driving proprietors and their adherents are powerful enough to prevent any change at present, assisted as they are by the ignorance of many of the population.

United States. In the United States, each State has its own regulations, though here they do not differ so materially one from the other as in other countries. The speed limit was fixed last year, and provides for a maximum of twenty miles an hour on open roads, but makes the automobilist liable for any accident occurring when passing another vehicle or domestic animal. This clause, which has been named the "pig and chicken" clause by the Automobilists of America, has given rise to much controversy. In some towns there is great feeling against the motor-car being allowed to use the roads at all, but public opinion in the United States is gradually becoming more enlightened and less prejudiced on this point. The popular movement in favor of better roads is also a sure sign that the motor-car is making headway. It seems, moreover, that the Western States are becoming more lenient in their penalties and more liberal in the matter of speed allowance than those in the East; this, however, may be due to the fact that, except on the main roads of the Western States, it is almost impossible to drive a motor-car, so bad is their condition, and the nature of the roads prevents, therefore, any excessive pace.

Belgium. The Belgians were not far behind their Continental neighbor, France, in originally recognizing the utility of the automobile; and, though only a comparatively small country, the value of motor-cars exported to Great Britain in 1903 was £147,-286, against £68,180 in the previous year. This gives evidence that the Belgian people are fully alive to the advantages of mechanical traction. A Royal Decree, dated August, 1899, forms the basis of the regulations now in force, though within the last few months a movement has been on foot to obtain fuller and more concise legislation for automobilists; and, as the number of motor vehicles daily increases, it is probable that considerable

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alterations will be made before long. The Royal Decree above referred to provides that every motor vehicle shall carry, on the left side and also on the front of the car, a plate bearing the name and address of the owner. In addition, each vehicle must carry before and behind a plaque bearing a number, and these plaques are obtainable from the various administrations over the country. The decree allows a speed of 18½ miles an hour on roads outside towns and villages, and fixes the speed for Brussels and large towns at six miles an hour—a regulation which, however, is habitually disregarded in practice. In the town of Antwerp, the authorities will not permit a speed greater than that of a horse-driven vehicle—the usual indefinite clause. Various regulations deal with lights, signals, brakes, wheels, etc., much on the model of the French system. Though in some towns very restrictive measures are prevalent, as in the case of Antwerp, the Belgian *gendarme* and authorities are, as a rule, very fair-minded and anxious to see that no injustice is done; in fact, a liberal interpretation is usually made in favor of the motorist.

Austria. The regulations affecting automobiles in the principal cities of Austria are stringent, and it is proposed by the Municipal Council of Vienna that even further restrictions than those existing at present should be imposed. The cars have to undergo a severe official inspection, and identification numbers larger than those enforced under the law in England and France have to be carried. The maximum speed limit is very low, 7½ miles being fixed. Austria is also, so far as I can ascertain, the only country which has passed a regulation forbidding women to drive a motor-car at all.

Italy. The laws of Italy in connection with motor-cars are not stringent, and are framed on those of France.

It is not improbable that, within a few years, fresh attempts will be made to curtail the use of motor-cars, or to render their use more difficult. If it is desired, however, to prevent motor-cars being dangerously used, it is to be hoped that all Governments will clearly recognize that speed limits are of no use for the purpose of preventing accidents. The best way will be to make the law elastic enough to meet every circumstance. The advent, however, of the new era in traction cannot be stopped, though it may be delayed by senseless and short-sighted legislation.

JOHN SCOTT-MONTAGU.

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THE PRESENT CRISIS IN TRADES-UNION MORALS.

BY JANE ADDAMS.

In spite of the fact that sympathy for trades-unions never rose so high in America as during the long anthracite-coal strike, the past two years afford undoubted evidence of a reaction against the cause of organized labor. This evidence may be cited in the increasing number of Employers' Associations, some of which, in spite of carefully worded constitutions, are making direct war not only upon the practices of trades-unions, but upon their very existence; in the acute exasperation exhibited by many manufacturers who were previously, at least, in a state of friendly neutrality; in the oft-repeated assertion that it is impossible to extend business operations in the present state of the labor market; in the recognition of the non-union man as the "modern hero," and of his sufferings as those of the martyr; in the practice of the newspapers to state at great length the acts of trades-union lawlessness, and to make but terse reports of their renewal of contracts and other legitimate actions; and in that which is, perhaps, the most significant, the increasing confusion of mind on the part of the public, which tends to make trades-unions directly responsible for many of the difficulties inherent in the factory system itself.

It is always difficult to judge a contemporaneous movement with any degree of fairness, and it is perennially perplexing to distinguish what is merely adventitious and temporary from that which represents essential and permanent tendencies. This discrimination is made tenfold more difficult when a movement exhibits various stages of development simultaneously, when several historic phases are going on at the same time; and yet every historic movement towards Democracy, which constantly gathers

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to itself large bodies of raw recruits while the older groups are moving on, presents this peculiar phenomenon. In the case of trades-unions, certain groups are marked by lawlessness and disorder, others by most decorous business methods, and still others are fairly decadent in their desire for monopolistic control. It is a long cry from the Chartists of 1839, burning hayricks, to John Burns of 1902, pleading in the House of Commons with well-reasoned eloquence for an extension of the workingmen's franchise; and yet they are both manifestations of the same movement towards universal suffrage, and show no greater difference than that between the Chicago teamsters, who were blocking commerce and almost barricading the streets, and John Mitchell, who at the same moment made his well-considered statement that he would rather lose the coal strike, with all that that loss implied, than gain it at the cost of violence. Students of industrial history will point out the sequence and development of the political movement from the Chartist to the Independent Labor party; and yet they give no help to our bewildered minds when we would fain discover some order and sequence between the widely separated events of the contemporaneous labor movement.

We must first get down to the question, In what does "the inevitably destined rise of the men of labor" consist? What are we trying to solve in this "most hazardous problem of the age"? Is progress in the Labor Movement to come, as we are told progress comes in the non-moral world, by the blind, brute struggle of individual interests; or is it to come, as its earlier leaders believed, through the operation of the human will? Is it a moral phenomenon which must depend upon educators and apostles; or is it merely a conflict of opposing rights which may legitimately use coercion? The question, from the very nature of the case, is confusing; for, of necessity, the Labor Movement has perfectly legitimate economic and business aspects, which loom large and easily overshadow the ethical. We would all agree that only when men have education, a margin of leisure and a decent home, can they find room to develop the moral life: before that, there are too many chances that it will be crushed out by ignorance, by blinding weariness, and by indecency. But the danger lies in the conviction that these advantages are to be secured by any means, moral or non-moral, and in holding them paramount to the inner life which they are supposed to nourish. The Labor Movement

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is confronted by that inevitable problem which confronts every movement and every individual. How far shall the compromise be made between the inner concept and the outer act? How may we concede what it is necessary to concede, without conceding all?

In considering this question we must remember the spiritual growth of one social group is conditioned by the reaction of other social groups upon it, and that the worship of success, so long dominant in America, has taught the majority of our citizens to count only accomplished facts and to make little inquiry concerning methods. This has long been done in regard to business enterprises and political parties, but it is evident that we intend to call a halt before we are willing to permit the same latitude to labor organizations.

The present moment is one of unusual crisis in that many of the trades-unions of America have reached a transitional period, when they can no longer be mere propagandists, but are called upon to deal with concrete and difficult situations. When they were small and persecuted, they held to the faith and its implications of idealism; as they become larger and more powerful, they make terms with the life about them, and compromise as best they may with actual conditions.

This transition is especially difficult just now; for, during this last period of prosperity, trades-unions have increased enormously in numbers; the State Federation of Minnesota, for instance, reports an increase of six hundred per cent. in one year. The well-established unions have also been flooded by new members who are not yet assimilated and disciplined, and they have further been beset and carried off their feet by that unrest which impels us all to hasten if we would avail ourselves of the advantages which prosperity affords. "If we don't get things now, when they are going, we won't get them at all," is often said by workingmen, and the expression voices that sense of unseemly haste which characterizes the entire community.

During this period of extraordinary growth, the labor movement has naturally attracted to itself hundreds of organizations which are yet in their infancy, and exhibit all the weakness of "group morality." This doubtless tends to a conception of moral life which is as primitive as that which controlled the beginnings of patriotism, when the members of the newly conscious nation considered all those who were outside as possible oppressors and

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enemies, and were loyal only towards those whom their imagination regarded as belonging to the national life. They gave much, and demanded much, in the name of blood brothers, but were merciless to the rest of the world. In addition to its belligerent youth and its primitive morality, the newer union is composed of members who have long suffered what they consider to be grievances, and the accumulated sense of unredressed wrong makes them eager for a chance to "fight for their rights." At the same time, the employer always makes his most vigorous attack upon a new union, both because he does not wish organized labor to obtain a foothold in his factory, and because his chances for success are greatest before his employees are well disciplined in unionism, although in actual conflict a young union will often make a more reckless fight than an older one. The members of a newly organized group naturally respond first to a sense of loyalty to each other as against their employers, and then to the wider consciousness of organized labor as against capital. This stage of trades-unionism is full of war phraseology, with its "pickets" and "battle-grounds," and is responsible for the most serious mistakes of the movement. The sense of group loyalty holds trades-unionists longer than the normal period of development, doubtless because of the constant accretions of those who are newly conscious of its claims. It is strong enough to overcome astonishing difference of race and tradition, but becomes a veritable stumbling-block.

Those Chicago strikes which during the last few years have been most notably characterized by disorder and the necessity for police interference, have almost universally been inaugurated by the newly organized unions. They have called to their aid the older organizations, and the latter have entered into the struggle often under protest and obviously against their best interests.

The Chicago Federation of Labor has often given its official endorsement to hot-headed strikes on the part of "baby unions," because the delegates from the newly organized or freshly recruited unions had the larger vote, and the appeal to their loyalty and fraternity carried the meeting against the judgment of the delegates from the older unions.

It is only quite recently that the first attempts have been made in Chicago towards controlling this natural tendency of group morality in the interests of a larger conception of citizenship.

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We may instance the successful efforts of the Packing Trades' Council against the practices of the Teamsters' Union, the charges being made and the investigations carried on through the Central Labor body. Later, the more law-abiding members of the Wagon-Makers' Union disciplined certain other members of the same union for their lawless acts, not only by the methods provided in their constitution for such discipline, but in the courts, where a conviction was secured. However, such action proceeds slowly, and in the mean time the unions are constantly disgraced by acts of disorder and lawlessness.

In their efforts to meet the requirements of business dealing, the older unions are not only hampered by the actions of the younger, but are handicapped by their own early enthusiasms.

On its idealistic side, trades-unionism is an international movement, founded upon one of those appeals to universal sentiment which bind men together because they are strong enough to overcome even national differences, and it has been this aspect which the business man has found it hardest to deal with, and which has most sorely tried his patience. He has said many times to the trades-unionists: "If you expect recognition from business men, you must be businesslike on your side. You must make a definite contract and stick to it. Supply us with skilled labor at a definite price, as a contractor supplies us with specified material at a definite price, and we will know where to find you, and try to deal with you. But if, because a man in Buffalo or Seattle has trouble with his working people, you are going to get up a sympathetic strike; if, because some non-union-made material comes into my factory, all of the union men are going to walk out, you cannot expect any sensible business man to try to get on with you." Such things were said only after unions had become large and powerful enough to be negotiated with; they were sensible and inevitable, but they were a direct invasion by business standards of the hitherto idealistic realm.

On the other hand, and illustrative of a strange inconsistency, the arguments against the "closed shop," made by the employer, are made on the general ground of the "freedom of the individual" and of "the liberty of the workingman," and are a direct carrying over of the ideal into the region of business. The term "contract shop" would be a much fairer phrase and a much more businesslike definition of the situation than the phrase "closed

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shop." In such a shop, the unions say to the employer: "We are ready to sign a contract to supply you with labor for a year under union conditions of hours and wages, but we cannot sign the contract if non-union men are employed, for we have no way of holding them to the terms of the contract, as the fines and other disciplinary methods enable us to do with our own men. These non-union men have no regard for our standard of wages and hours, and are continually cutting into both. We, as a union, can make a contract with you, and agree to stick to it, only if you will keep the non-union men out." In this case, the businesslike proposition comes from the union, and the concern for ethical standards, for "American ideals," comes from the business man. It is an absolute reversal of the position that the two sides take on the subject of the sympathetic strike. To use a war simile which would certainly not be inapt, as in many cases actual war is waged, each side stays within its own battle line, one side waving a banner of idealism whenever the other side waves one of commercialism.

In this necessity for compromise which characterizes the present development of trades-unionism, the selfsame union will often conform to the tenets of its earlier idealism and at the same time hold strictly to its newly adopted business standards, the two phases of development going on together in that strange fellowship which all life presents.

A woman organizer in Chicago, who had been active in organizing the nine thousand Special Order Tailors into a successful union, was recently called to a clothing factory in which all of the girls had struck because they were given a new style of garment to work upon, which they found added fifteen minutes to each hour, and made their wages correspondingly less than they had been when they were working upon the style of garment upon which their contract was based. Six months of the year's contract still remained, with no provision for changes in style. In declaring a strike the union girls clearly violated the contract, although they were firmly convinced that it was not they, but the employer, who had done so; and, when the organizer insisted upon a return to work and a strict enforcement of the contract, she did it at the cost of cruel misunderstanding, for the girls were all firmly convinced that she had been "fixed" by the employer.

Another illustration occurs to me of the trades-union regard for contract, in which it was more rigid than that held by the em-

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ploying side. Several hundred Italian women, who were "home finishers," had with much difficulty been organized by the Special Order Tailors and carefully drilled to demand the union scale. After some months, it was discovered by the officers of the union that at least in sixty-two shops these Italian women were taking two cents less a garment than the union contract had specified. After much difficulty the union officials were permitted to see the employers' books, and the withheld wages, amounting to some hundreds of dollars, were paid by the employers and put into the treasury of those locals whose members had failed to receive the agreed scale. In this case, the contract between the Employers' Association and the union was clearly violated by the employers, who had taken advantage of the ignorance of the Italian women, and the trades-union had urged the validity of the contract upon an organization of manufacturers.

Although this union is so careful in regard to contracts, curiously enough, no labor organization in Chicago at the present time is exhibiting more clearly the possession of idealism,—at least, if we measure idealism by the willingness to make sacrifices on its behalf. This union has been one of the most successful in its attempt to extend its benefits to the least skilled and most wretchedly paid. It is comparatively simple for an employer to give the skilled operatives in a clothing factory more money by taking it away from the wages of the seam-sewer and buttonholer. The fact that it results in one set of workers being helped at the expense of another set does not appeal to him, so long as he is satisfying the demand of the union without increasing the total cost of production. But the Special Order Tailors have, at the expense of their own wages and growth, made a determined effort to include even the sweat-shop workers in the benefits they have slowly secured for themselves. By means of the use of the label they were finally able to insist that no goods should be given out for home finishing save to women presenting union cards, and they have raised the wages from nine and eleven cents to the minimum wage of fifteen cents. They have also made a protest against the excessive subdivision of the labor upon garments, which enables the manufacturer to use children and the least skilled adults. Thirty-two people are commonly employed upon a single coat, and it is the purpose of the Special Order Tailors to have all the machine work upon one garment performed by one

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worker, thus reducing the number working on one coat to twelve or fourteen. This change will at the same time demand more skill on the part of the operator, and increase the variety and interest in his work. At the present moment, a District Council of Garment Workers in Chicago is under indictment for having attempted to enforce a similar demand in what is known as the "vest and pants locals." In the testimony taken before the Master in Chancery, the argument was based almost entirely upon the right of the worker to a legitimate interest and pleasure in his work, and I could quote sentences from the testimony of one of the organizers against whom the injunction was issued, which could easily be mistaken for quotations from Ruskin. Indeed, these garment-makers are sacrificing both time and money for the defence of Ruskinian principles, one of the few actual attempts to recover the "joy of work," although, of course, mixed with a desire to preserve a trade from the invasion of the unskilled, and a consequent lowering of wages.

Undertakings such as these must make an appeal to unselfishness, and must break through the mere personal interest of the trades-unionists in their own higher wages. They more readily respond to this appeal in that it stirs memory of their "organization night," when they were admitted after solemn ceremonies into the American Federation of Labor. At the same time, the organizers themselves often hold out too large promises, on the sordid side, of what organization will be able to accomplish; they tell the newly initiated what other unions have done, without telling at the same time how long they have been organized and how steadily they have worked. A year ago, when there seemed to be a veritable "strike fever" in Chicago among the younger trades-unions, it was suggested in the Federation of Labor that no union be authorized to declare a strike until it had been organized for at least two years. The regulation was backed by some of the strongest and wisest trades-unionists, but it failed to pass because the organizers were convinced that it would cripple them in organizing unions; they would have to point to many months of patient payment of dues and humdrum meetings before any real gain could be secured. The organizers, in fact, are in the position of a revivalist who, in the midst of holding out hopes of heaven and future good, should have to tell his converts that there would be no chances for at least two years, or that the rewards would have

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to depend upon "works," although from the start they must learn to walk by "faith."

It is a curious admixture of motive, and at the best is a wretched preparation for the life of collective bargaining and contract-keeping, into which the modern trades-union is quickly plunged without the gradual training which the older unions had, through their "mutual benefits" and other semi-benevolent and semi-business features. As a result, the newer unions are constantly held up to public scorn because they "do not keep their contracts,"—it is said that they are, indeed, utterly regardless of the validity and sacredness of a contract, upon which all business dealing rests. This necessity for business action without the requisite business training affords opportunity for never-ending difficulty. One fruitful source arises from the inexperience and vanity of the committee which represents the newly organized union at the time the contract is drawn. Usually, such a committee has no "power to act," but is expected to take the propositions back to the body of its union for ratification. The committee finds, however, that the men representing the employer have full power to act, and are, moreover, businesslike and alert in their dealings. In the course of the negotiations, the committee is led to promise certain terms, which seem to it reasonable, and it fully commits itself to these terms. It quite unconsciously assumes the tone of finality and business dealing of the other side. When the terms of the contract are finally submitted to the union for ratification, they are often "turned down," the committee being unable to reproduce effectively the arguments which sounded so cogent in the committee meeting. The committee is thus in a dilemma; it must return to the employers and tell them of its plight, at which point the employer will often meet it with the cry of broken contract, assuming that the representatives of the union had power to act for their body; or it must carry out the original terms with the employer, and tell the union that those were the best that could be made. In the latter case, the entire body will enter into the new relation with reluctance, and sometimes in a recalcitrant spirit, ready to take offence.

In passing judgment upon this obvious dereliction of trades-unions, it is well to recall the fact that, throughout his life and that of his father, the workingman has had nothing to do with contracts; he rents his tenement by the week or month and does

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not sign a lease; he has been hired habitually by the day or week, with no contract to assure his continuance at work; if he offended the foreman, he might be dismissed, with or without good cause, any day in the week or any hour of the day. The old-time workman may have had theoretical freedom of contract, but he has had no actual contract. When the employer says, "I will bargain with my own men one at a time," he practically means that he will make no bargain, that he will merely enter into a relation of good-will and good faith. None of the workman's relations in life, although they are often continuous and stable, depend for their continuity and stability upon contracts between himself and other people. His marriage contract is, perhaps, the one exception to this; but it is fortunately, to him, not a contract, but a sacrament.

The fact that the American trades-unions are receiving their first lessons in business at a moment of unusual business corruption, also tends to make the present time for them one of unusual crisis. There are practically no longer any charges of corruption against the English trades-unions. But there is undoubted evidence that many unions here are suffering from the present low standard of public morality, and share the more brutal doctrines of commercialism, which make a man declare his resolve to "get there," despite obstacles from without or scruples from within.

It is, indeed, cold comfort to say that the methods of labor organizations are "no worse" than the methods adopted by certain organizations of capital. If a small body of men become so absolutely engrossed in making money that they disregard public rights, that they bribe and browbeat railroads from their function of common carriers to that of granters of favored rates, that is certainly deplorable, but, after all, not so deplorable as when a large body of workingmen disregard public rights, and involve the honor and moral standards of many of their fellows. The first, too, is carried on by secret negotiations which may not be understood by the public until years afterward, while the second has to justify itself, from the very organization of modern trades-unionism, to the reason of hundreds of men, and must debauch their consciences in the process. It is a much more serious concern to the community when a trades-union employs questionable methods than when a business concern does, because it affects a larger proportion of the population, and in that respect is much more nearly analogous to political corruption. That trades-unionists them-

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selves are perilously near to accepting the corrupt business standard as a normal one for their own dealings, there are unfortunately many evidences. Samuel Parks at one time was almost forgiven by the majority of the members of his union, who admitted that, although he had accepted bribes and extorted blackmail, he had nevertheless doubled the wages of his fellow trades-unionists, that he was engaged by them for the sake of increasing their wages, and that it was a matter of his own individual conscience as to how he proceeded to do it; that his method of procedure was no concern of theirs. Fortunately, however, the sense of honesty and fair dealing rallied later, and the national representatives refused to endorse his position. The argument was not unlike that used by the stockholders of a Chicago street-railway company, who some years ago practically admitted that their representatives had bribed the members of the Common Council and had been indifferent to the rights of the people, but who insisted that they had nevertheless managed the company effectively, had paid the stockholders a good dividend, and had even lowered fares; that such results were all that could be reasonably demanded of them, and that to go into their methods and condemn them for what their own individual consciences permitted them to do, was an impertinence. The arguments on the surface are not unlike; but it is infinitely worse for a large body of men, representing the traditions of simple people, to use these arguments, than it is for the smaller groups of business men, with their sophisticated experience, to use the same arguments. It is fortunate that the public made a more vigorous protest in one case than in the other.

Another source of corruption is the political situation found in all the large American cities. Labor-unions are naturally composed of the same men who form the units of our political life, many of whom have already had their training in corruption through their political organizations. Indeed, it is a charge made by certain "old-time" trades-unionists that the Civil Service regulations have turned out of office a number of adroit politicians, who, finding "nothing doing" in politics, have turned their attention to "grafting" among trades-unions. The Teamsters' Union, which was started in Chicago two years ago, and was equally distinguished by its phenomenal growth and brilliant achievements in connection with certain Team Owners' Associations, was composed very largely of men who lived in the river

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wards. These wards are adjacent to the business quarter, and the teamsters naturally kept their horses and wagons in the vicinity of the down-town district where their work was found. The Chicago River wards have long been notorious for their well-organized political corruption, and before they joined the Teamsters' Union many of the men were already "wise" on the subject of "graft," and in the methods of manipulating large bodies of men for their own ulterior purposes. That they had learned their lesson well was shown by the early history of their organization, which illustrated the most obvious effects of political corruption upon labor organization.

It is more difficult to trace the course of that subtler form of corruption which has been in progress for many years in the Labor Movement. Every organization whose success depends upon large numbers is always susceptible to the subtler type of corruption, and instances could easily be cited from the various devices to increase their membership used by benevolent and philanthropic societies.

To many people of average ethical instinct, this collective ambition to gain as many members as possible for a given organization seems entirely praiseworthy, and the method is not scrutinized if the desired result is attained. It has certainly always been done most openly in the political field. In the early days of Chicago, before the advent of Civil Service, it had for some years been the custom for the secretary or other official of a trades-union to promise "the labor vote" to the candidate for Mayor, if he upon his election would consent to appoint a trades-union official to an inspector's position, where he would have opportunity for increasing the membership of his union. No attempt was made to conceal the motives, so long as they were impersonal. This went so far as to dictate at least one appointment of the first Civil Service Commission, whose business it was to put trades-union men into inspectors' positions. It is easy for a city inspector who is also a union man to give a contractor to understand that, unless his building has been constructed by union labor, he is going to have constant difficulty with the department, that it will be much simpler for him in the very outset to insist that all of his men shall join the union. The inspector is therefore a powerful factor in the increase of membership in all of the organizations connected with the building trades, and may regard such action

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as a perfectly legitimate piece of trades-union extension. Through the coercion thus brought to bear upon the contractor, the unions grow in numbers. They are composed, however, of men who know little of the earlier aspects of the movement, and are held together not by the free acceptance of mutual obligations, but by the plain desire to "hold their jobs" under a contractor who wants his business to run smoothly.

The rapid growth of trades-unionism in the city building trades, in both Chicago and New York, and the extraordinary corruption found in connection with them, may bear more of the relation of cause and effect than is at first obvious, and the community may be congratulated that it has been so thoroughly exposed before it became a steady feature in their lives, and their corruption became interdependent with political and commercial corruption.

One would be glad to believe that this crisis of corruption is but a passing one in the Labor Movement, as we try to persuade ourselves that it is ephemeral in politics and business, "a mere incident in the triumph of industrial progress." Trades-unionists have, indeed, an unusual opportunity for ultimate honesty of administration, for collective bargaining must in the end be public bargaining, involving as it does hundreds of men.

From this point of view, it is difficult to understand why American business men have been so reluctant to concede to trades-unions the right of collective bargaining. The business men of this generation have seen the administration of property change largely from individual management to corporate management, as the directors of a stock company more and more outline the policy of the business for which they are responsible, and in which their money is invested. They have practically made a new adjustment, in regard to the administration of at least one class of property, and yet they are the very men who most resent the attempt to extend this method of bargaining, this modification of individual ownership, to workingmen. They declare that the old method, which in fact is not very old, but comparatively recent, is inviolable, and cannot be changed without an attack upon the very principle of property itself. It is a confusion between the principle of property, which has been recognized and protected throughout the existence of civilization, and the modes by which it has been governed. The

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latter are unstable, and destined, like any other manifestation of life, to undergo the law of progressive development. The workmen who insist that they do not get their fair advantage from the invention of machinery, that the partition of the results of labor achieved by both proprietor and workman is not effected in just proportion, who seek to modify and correct the conditions and hours under which they labor, are really advocating a gradual change in the present constitution of property, and are pursuing the conservative method when they advocate those changes by means of collective bargaining and trade contracts. This is true in spite of the fact that these demands are often excessive and, from the business point of view, "impossible"; that they are many times accompanied by irrational use of newly acquired power; that their representatives are often corrupt and self-seeking, and that the entire movement exhibits the disorder which has accompanied both political and ecclesiastical movements whenever they have tried to change the administration of power from the aristocratic to the democratic form.

The hope of trades-unions lies in the sheer necessity for the public discussion of their affairs, for it is hard to overestimate how far mere publicity makes for morality, and in the fact that the earliest trade organizations have committed the entire movement to that growing concern for a larger and more satisfying life for every man. For, rightly or wrongly, among us all the belief daily strengthens that whatever has for its object the increased value of the universal life is thereby certified as legitimate. Whether organized labor in America will make its business adjustment and still keep this object in view, whether it will safely pass through the present crisis of transition and temptation, no one can as yet state with any degree of certainty.

It is possible, in addition to the period of transitional development and the fact that they are bearing the brunt of a vigorous onset of national corruption, that a third line of tendencies may be adduced, which make the present decade one of crisis for trades-unionists, as it is, indeed, for all of us. America is only now beginning to realize, and has not yet formulated, all the implications of the factory system, and the conditions of living which the well-established system imposes upon the workers. As we feel it closing down upon us, moments of restlessness and resentment seize us all. The protest against Mr. Mitchell's state-

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ment that the American workingman has recognized that he is destined to remain a workingman, is a case in point. In their attempt to formulate and correct various industrial ills, trades-unions are often blamed for what is inherent in the factory system itself, and for those evils which can only be cured through a modification of that system. For instance, factory-workers in general have for years exhibited a tendency to regulate the output of each worker to an amount which they conisder a fair day's work, although such a restricted output may prove to be less than a fair day's work to many of the workers. The result is, of course, disastrous to the workers themselves, as well as to the factory management, for it doubtless is as bad for a man's nervous system to hold in his natural pace as to unduly accelerate it. The real trouble which this "limitation" is an awkward attempt to correct is involved in the fact that the intricate subdivision of factory work, lack of understanding on the part of employees of the finished product, has made an unnatural situation, in which the worker has no normal interest in his work or direct relation to it. In the various makeshifts on the part of the manufacturer to supply motives which shall take the place of the natural ones so obviously missing, many devices have been resorted to, such as "speeding up" machinery, "setting the pace," and substituting "piece-work" for day work. The manufacturers may justly say that they have been driven to these various expedients, not only by the factory conditions, but by the natural laziness of man; but, nevertheless, reaction from such a cause is inevitably an uncompromising attempt on the part of the workers to protect themselves from overexertion and to regulate the output. The worst cases I have ever known have occurred in unorganized shops and have been enforced by public opinion, unaided by any trades-union. The "pace-setter" in such a shop is often driven out, and treated with the same animosity as the "scab" receives in a union shop.

Although trades-unions are much blamed for this "holding back of the ambitious man," this "reducing every one to a dead level of mediocrity," and although they were the first to formulate it into a creed, to accuse them of inventing it, as is often done, is to disclose ignorance of factory conditions.

A few months ago, a noted educator complained that a reference to the "joy of labor" made before a large audience of trades-unionists produced only scorn and merriment. He instanced this

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as a lack of idealism among trades-unionists, with the implication that a roomful of unorganized men would at once have responded to this shibboleth, whereas of course the factory system itself has brought them all to exactly the same place.

We are constantly confronted by large industrial changes from which the community as a whole profits, but which must inevitably bring difficulty of adjustment and disaster to men of certain trades. Doubtless, these difficulties should be distributed, and not allowed to fall altogether upon the group of working people whose labor is displaced as a result of the change. If these great industrial situations could be considered as belonging to the community as a whole, and could be reasonably dealt with, we would get rid altogether of that disgraceful attitude which the trades-unions have from time to time taken against the introduction of improved machinery,—a small group blindly attempting to defend what they consider their only chance to work. The economists have done surprisingly little to shed light upon this difficulty; indeed, they are somewhat responsible for its exaggeration, for their old theory of a "wage fund," which did not reach the rank and file of trades-unionists until at least in its first form it had been abandoned by the leading economists, has been responsible for much disorder along this line, as well as for the other mistaken attempt "to make work for more men."

If progress were inaugurated by those members of the community who possess the widest knowledge and superior moral insight, then social amelioration might be brought about without the bungling and mistakes which so distress us all. But, over and over again, salutary changes are projected and carried through by men of even less than the average ethical development, because their positions in life have brought them in contact with the ills of existing arrangements. To quote from John Morley: "In matters of social improvement, the most common reason why one hits upon a point of progress, and not another, is that the one happens to be more directly touched than the other by the unimproved practice." Perhaps this is a sufficient explanation of the fact that untrained workingmen are intrusted with the difficult task of industrial amelioration and adjustment, and that trades-unions, which are the organized expression of that effort, are the most significant organizations in our midst, and their code of morality our deepest concern.

JANE ADDAMS.

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OBSTACLES TO REFORM IN TURKEY.

BY CHARLES MORAWITZ.

THE obstacles which, in the Ottoman Empire, oppose the execution of those reforms that are so desirable and are so constantly demanded, are of three kinds: they arise, firstly, from the extraordinary and curious variety of the peoples classed together pell-mell under the name of Ottoman; secondly, from the character of the Turkish race; and, lastly, from the attitude of foreign Powers.

I.

No exact or even approximate census has ever been taken of the peoples who, with or against their will, recognize the Sultan of Constantinople as their sovereign. These statistics would, however, possess only a relative value. Moreover, such a census would be impossible in a country like Turkey, where an important part of the population leads a nomadic life, and where the civil organization exists only in a rudimentary form, or is even totally lacking. But so much is certain, that the territory from Novi-Bazar to the Persian Gulf, and from the frontier of Russian Armenia to the Red Sea, respectively, contains the most varied and inharmonious collection of human elements conceivable.

In European Turkey alone, there are no fewer than eleven races, and the number of churches is greater still. This extraordinary diversity, together with the rivalry existing between the various Christian races and sects, would be in itself a great impediment to the introduction of administrative and judicial reforms; but it is further aggravated by the fact that certain tribes, such as the Albanians, for example, are partly Christians and partly Mohammedans, and that each of the various religious communities possesses a certain degree of autonomy.

The sense of uniformity has always been singularly wanting

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in the Turkish race. Terrible and often cruel conquerors as they have been, they have never asked more of those subjected by them than to remain quiet and pay the taxes levied upon them. They have left them not only their religion, their clergy, their language, but even their civil organization, and, in all matters of domestic jurisprudence, their own tribunal.

The part played by standing armies in certain countries in forming a bond of union between the various nationalities of the state has never been accomplished by the Turkish army. Greeks, Armenians and Turks have not the opportunity of uniting and fraternizing under the national flag. In a great measure from contempt, but in some degree from distrust, the Mussulman Turks have reserved to themselves the exclusive privilege of military service; they have excluded from it all the non-Mohammedan subjects of the Sultan, and they content themselves with imposing upon these a small tax for their exemption from military service, which is, as a rule, very willingly paid. Thus there is nothing to unite the different races. The Turks avoid anything likely to bring about a *rapprochement*, and carefully endeavor to maintain the existing antagonism, which they regard as a pledge of their own security. "*Divide et impera*" has been the rule observed for centuries by the Turks both towards their own subjects and towards the Great Powers.

A uniform legislation, a common administration, making no discrimination between people of different religion and origin, would be far from welcome to the races living side by side in the valleys of the Vardar or the Euphrates, on the slopes of the Balkans or Ararat,—races always jealous of each other, and sometimes at open war. Too heterogeneous to submit to unity of law and government, too far reduced by centuries of migrations, troubles and wars to gather together in provinces according to their various nationalities, these peoples offer to the reformer the most stubborn and recalcitrant material imaginable.

II.

Originally a nomadic and military race, established in the midst of subjugated populations, and become sedentary only at a comparatively recent period, the Turks have retained to this day a number of their former habits and instincts. In order to be convinced of this it is sufficient to visit one of their private houses or

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Government offices. In the former, there is no permanently fitted up bedroom or dining-room; in the evening, a few rugs, thrown upon a divan, suffice for a couch, and all meals are served upon a tray and eaten with the fingers. In public offices, there are none of those imposing portfolios and vast cupboards which are the obligatory accompaniments of our Government routine; the documents are carried about in sacks, and kept in sacks, if they are kept at all. In Constantinople, in the palaces of high functionaries and in the business of Government departments, certain Western practices have filtered in; but they are very far from having entirely banished the old national customs, and in the provinces these customs have maintained their sway almost intact.

As modern civilization develops in a nation, so much the more does existence there become intense and feverish and every minute have its value. The Mussulman is never in a hurry. Even in war, where the Ottoman soldier has recently shown himself to be worthy of his glorious traditions, he is distinguished by tenacity rather than by the power of rapid attack. In civil affairs, and especially in Government business, the Turkish official does not know what it means to hurry himself, and, exceedingly patient himself, he does not understand impatience in others. He is quite surprised to hear a Westerner, after waiting for several hours, which he has passed in smoking cigarettes and drinking coffee, complain that the person with whom he had an appointment at noon only appears at two or three o'clock!

To the Turk of the present day, as to his ancestor of the time of the Mustaphas and Selims, time has no value, and the notion of an exact due date does not exist. When he has signed a contract or promise to pay at a specified date, or when he has undertaken to carry out some obligation or other in a given time, the date or the term has not the same meaning to his mind as it has to ours. It still remains for him something indefinite. It is not bad faith on his part; it is simply want of power to connect, as we are accustomed to do, the idea of an engagement with that of a strictly limited period of time.

Another extremely serious difficulty lies in the fact that the social and political condition of Turkey has not yet passed a stage which the other nations of Europe have left behind them long since, and of which the last trace disappeared from the West about thirty years ago with the temporal power of the Popes. The man-

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agement of public business is not yet entirely secularized in the Ottoman Empire. It is not only that the Sultan unites in his person the double quality of lay sovereign and religious chief. But below him, even in the judicial organization indispensable to national existence, the line is not clearly defined between what concerns the State and what lies within the domain of the Church. Although a certain number of codes dictated by modern intelligence have been promulgated, the Koran still remains the text of the law, as well as the Sacred Book. The Sheik-ul-Islam is invested with a kind of veto upon matters connected with legislation. The body of the Ulémas, placed under his orders, are at the same time clergy and magistrates.

A society thus organized, partly theocratic, partly military, furnished with a somewhat rudimentary and far from perfect administrative organization, has existed during hundreds of years almost without contact with the Western World. Then, almost suddenly, during the second half of the last century, the barrier was lowered. Turkey borrowed money from the Great Powers of Europe and threw open her gates to them. She received from them military instructors, high functionaries, and engineers who constructed railways and harbors for her. The still primitive régime of the Ottoman Empire found itself suddenly face to face with the most advanced civilization. The monarchy of the Sultans felt the requirements of a modern state, while possessing only the machinery of a mediæval administration. Can one wonder that her institutions are ill adapted to such an evolution?

There is, however, one institution imported from abroad which has taken root without much trouble in Turkish soil. This is bureaucracy, with its necessary complement of multitudinous documents. The employees of the state are badly paid: often, indeed, they are not paid at all, and live as best they can, rather ill than well, at the expense of those under their administration; but their name is legion. Commerce and industry, those factors of the wealth and power of a nation, are but little practised by the Turks, who show a marked preference for Government posts.

The Effendi knows scarcely any other career than that of theologian, soldier or civil servant. If he has no patron, he chooses an ecclesiastic career, being drawn towards it by that religious spirit which characterizes the Mussulman population. But, if he

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has a few connections, he enters the army, or demands a post in the administration. The idea of aristocracy is unknown to the Mussulman; this is clearly shown by the fact that family names do not exist. In a country where there are no privileged classes, where everybody may aspire to the highest posts, it is only too natural that the Effendi, accustomed to see people attain honor and fortune who had no other claim but that of having managed to get into the good graces of some ephemeral potentate, should choose in preference a career which opens the same prospect to himself. To please his superiors is in his eyes the sole means of insuring success.

Commerce, despised by the Effendi, is almost entirely in the hands of Armenian, Greek, Jewish and foreign merchants. Manufactures are but little developed. It was not always thus; and, in this respect, but little regard is shown to the maxims of the Koran, which orders every Mussulman to work, after the example of the patriarchs. The early Sultans all had a profession, and certain of them pushed respect for the Koran to such a point as to wish to live only by the products of their manual labor, which the courtiers were eager to purchase,—most probably without beating down the price! There exist in the country numerous traces of a very advanced civilization. Are not the names of Damascus, Mosul and Pergamos the proof of the existence of former flourishing industries, of damasquined arms, muslin and parchment? The manufacture of pottery and leather was also formerly very highly developed. These ancient industries are for the most part extinct or in decay; with the exception of carpets, agricultural products form Turkey's sole export to foreign countries at the present day. And although agriculture is the principal branch of national activity, it is far from attracting as much attention from Government as it deserves.

The fact that the Minister presiding over this department has no voice in the Council of Ministers, and the other fact that the budget provides for no expenditure on the part of this department, are in themselves sufficiently characteristic.

All travellers coming from Western and Central Europe to Constantinople by rail can appreciate this melancholy situation by comparing it with the prosperous condition of the soil in Eastern Roumelia. Hardly have they crossed the frontier when they are painfully impressed, first in the territory of Mustapha Pacha,

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and especially in the long stretch from Adrianople to the capital, by the low standard of cultivation, which is on the contrary so flourishing round Philippopolis.

Among the numerous causes of this condition we may mention the want of means of communication, which renders the sale of surplus production so difficult; the imperfect knowledge of scientific agriculture, which causes the Turkish peasant of to-day to plough, sow, and reap his crops after the manner of his forefathers; and the very arbitrary assessment of taxes, still more aggravated by the abuses of collection. If, moreover, we take into consideration the unlucky system of *vakoufs* or mortmain property, which comprises three-quarters of the country, we can only wonder that Turkey is still counted among European states having the largest export of agricultural products, and this fact permits us to imagine what brilliant results might be obtained in other conditions.

Let us now put together the different features of the sketch which has been given above. We see a military people established by conquest in the midst of races which they have not attempted to assimilate, retaining, as they do, a very exalted sentiment of superiority over the vanquished, not attempting to vie with them in commercial and industrial occupations; some applying themselves to a rudimentary form of agriculture, or to public offices which are as uninteresting as they are badly paid; others embracing the military profession, in which the repression of internal insurrections represents the only form of active service: a people honest at bottom with the exception of a very small minority which has learned nothing from European civilization but its vices, together with that class of employees reduced by poverty to live on bakshish: a people devoid of all spirit of initiative, reduced to inertia by Mussulman fatalism and the most primitive kind of public instruction. Let us imagine this people as governed by sovereigns who are occasionally animated by excellent intentions, but who have been brought up in private and under suspicion, guarded from all contact with outside life by an absurd system of succession,—sovereigns whose power is theoretically absolute, but who in any desire for reform would immediately find themselves in conflict with the narrow-mindedness of a powerful clergy which is dominated by custom. On thinking of all this, one cannot be surprised that a great reformer has not yet gone forth from the

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palaces of Dolma-Bagtché, Tscheragan or Yildiz. It is true that the Russia of the seventeenth century presented conditions not much more favorable than these, that the education of Peter the Great had not prepared him any better for the part that he played in later life; and that, nevertheless, he succeeded in liberating Russia from a political and social condition which was far more Asiatic than is that of Turkey at the present day. In history everything is possible, even the appearance of a Peter the Great on the shores of the Bosphorus!

III.

A third factor still remains to be mentioned, the cooperation of which might be very efficacious and the zeal of which has often been manifested. I speak of the foreign Powers; but it must be frankly admitted that hitherto they have accomplished their mission of counsellors and guardians only in a very intermittent and imperfect fashion. It is true that they have on several occasions demanded reforms, notably in the Treaties of Paris and Berlin, but all the arrangements relative to these have remained a dead letter, and it could hardly be denied that the Powers have done nothing to encourage Turkey to continue the work of reform once commenced. A single one of the European provinces of Turkey, Eastern Roumelia, had received a definite organization. The commission formed in virtue of the Treaty of Berlin had elaborated for this province an organic statute, a regular administrative charter. After a few years of working, this statute was forcibly destroyed. Eastern Roumelia has become, in fact, a Bulgarian province. Diplomacy has looked on impassively at this flagrant violation of a treaty when the ink of its signatures was hardly dry. This precedent has clearly done not a little to diminish the authority of diplomacy in demanding the "organization" of Macedonia or Thrace, and was not likely to stimulate the zeal of the Sultan to create other "Eastern Roumelias."

It must also be recognized that the system of "capitulations," as it is practised, does not testify to the disinterestedness necessary to gain that influence over Turkish governmental circles which is desirable for the realization of the reforms demanded. Capitulations — diplomatic treaties concluded during past centuries—offered to foreigners who had settled in Turkey, among other advantages, notably that of having their legal actions judged

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by their own consulates, and not by the tribunals of the country. These arrangements had their *raison d'être*, and they have it still. Even to-day it would be imprudent to subject foreigners settled in Turkey to Ottoman jurisdiction; but these old conventions, and especially the customary rights which have become established in their train and which are found in no legal document, maintain certain other privileges which it would be difficult to justify.

Perhaps I may be permitted to quote a few examples in support of this assertion. On the basis of a right drawn by interpretation from the obscure text of the capitulations, there still exist the post-offices established by the Powers in the large cities and the majority of the ports, offices of which the first was opened by Austria at the beginning of the eighteenth century. Many circumstances —such as, for instance, the excessive activity developed by the "*Cabinet Noir*,"* and the fact, characteristic of the existing state of affairs, that a local postal service does not exist in the capital, for fear that it might be favorable to conspiracies—justify the maintenance of these foreign post-offices. But would it be more than the most elementary justice to abandon to the Turkish state a part of the profits which the Powers derive from them, and to recognize its right of suzerainty, either by the settlement of a percentage upon the profits or by the arrangement that letters are not to be forwarded unless, in addition to the foreign stamp, they also bear a Turkish stamp?

The majority of the nations of the Continent of Europe are endeavoring to protect their industries and agriculture against foreign competition, and even England, the bulwark of Free Trade, is considering whether she should not follow this example. Disciples of Colbert and Chamberlain when it is a question of closing their own frontiers, they suddenly become followers of Cobden in order not to allow any customs barriers worth mentioning at the entrance to the Ottoman Empire. The tariff voted by their parliaments abounds in taxes of 15, 20 and 25 per cent. on the value of goods imported by them. But the Turks are not allowed to exceed 8 per cent., and a thousand difficulties are raised when they ask permission to impose an additional three or four per cent.

* The term applied on the Continent of Europe to the department in Government Post-offices which violates the secrecy of private correspondence.

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The Powers show no more signs of a spirit of equity when they exact quite exceptional fiscal immunities for their subjects established in Turkey. One can understand that they wish to protect their subjects against exactions such as were often committed formerly, as might still be committed if no control were exercised; but this is no reason why foreigners settled in Turkey should be exempt from personal and direct taxes which are very reasonable, very moderate, and are imposed on Turkish subjects—for instance, the tax upon commercial and industrial incomes. The history of the attempts made for many years by the Porte to remedy inequality of treatment, as regards this last tax, is sufficiently characteristic to deserve to be given in some detail.

The Ottoman Empire is still subject, in certain points, to those corporate institutions which all Europe was familiar with in the Middle Ages, and which had almost entirely disappeared by the end of the eighteenth or beginning of the nineteenth century. There still exist there a large number of professional associations of skilled and unskilled laborers, strongly organized, invested with monopolies sanctioned by long tradition and of which they are extremely jealous, and ready to use violence, if need be, to defend their privileges. All travellers who have visited Constantinople, or any other great port of the Empire, have seen one of these trades-unions at work, the "*hamals*" or porters, syndicated in every important locality under the orders of leaders to whom they render implicit obedience. These "*hamals*," who have secured by financial means powerful supporters even in the immediate entourage of the Sultan, fix their own tariffs and impose their assistance upon both private individuals and transport companies, driving away in the most effectual manner, with fist and knife, all who attempt to compete with them. The police dare not oppose their extortions. The merchants suffer from their tyranny; every one complains of them; but the complaints of the public and of the Embassies against the monopoly of the *hamals* attached to the administration of the custom-house at Constantinople, and the claims put forward by foreign merchants to have their goods transported by their own employees, remain without the slightest effect. All have to pass under the caudine forks of the *hamals*.

In the same way, another corporation of the capital, as mischievous as it is picturesque, the *Tolumbadjis* or voluntary firemen, has resisted all efforts to abolish it. As soon as the cannon

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sounds the alarm of fire, one sees wild and noisy hordes rushing up, carrying their primitive hand-pumps, and terrifying the inhabitants by their cries. They take up their position round the burning house, bargain for the rate of salvage before beginning the work of extinguishing the flames, and more often than not steal more than they save. They are more to be feared than the fire itself. They have not the slightest *raison d'être* since the organization of an excellent body of firemen after the European pattern by the administration, with the intelligent cooperation of Count Szechenyi. No matter! The *Tolumbadji,* privileged like the *hamal,* continues to exist. It is asserted that the actual number of members of the two bodies, together with the persons dependent upon them, reaches the figure of 30,000 in Constantinople alone. The Sultan, who is anxious for peace and quiet, shrinks from causing annoyance to such turbulent elements of the population. In such matters, contrary to received opinion, the most absolute Governments are sometimes the most timid.

Not alone upon the shores of the Bosphorus, but in a great many other parts of Turkey, the old system of "wardenships" and "freedoms" still exists, just as it did in past centuries all over Europe. It is necessary to be thoroughly acquainted with them to understand what seems at first sight one of the most singular anomalies of the system of "capitulations." These venerable conventions applied the principles of free trade between Turkey and several of the states of Central and Western Europe, and that, too, at a period when political economy was still ignorant of them theoretically and they were quite unknown in practice. "In order to bring about that activity in trade and that safety to travellers coming and going which naturally result in friendly relations," they guaranteed the greatest facilities in the exchange of goods, and, to the subjects of the countries which were parties to them, the almost unlimited right of settling in Turkey for the purposes of trade. But the application of liberal ideas stops there. As soon as we pass from the sphere of trade, properly so called, to that of manufacture, as soon as it becomes a question, not of the power of trafficking, buying or selling, but of producing or manufacturing, the principles are entirely changed: the narrowest form of protection and nationalism takes the place of free trade. The exercise of the trades reserved to the corporations is forbidden to foreigners. Nor can foreigners join the corporations.

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As a matter of fact, this ancient Chinese wall of rights and privileges has not failed to suffer a few breaches here and there. Foreign workmen and manufacturers have established themselves in Turkey. Nothing, even in the text of the capitulations, prevents their working in those cities where trades-unions for such and such professions do not exist. Furthermore, a certain number of individuals who are not subjects of the Sultan have opened workshops or accepted employment in the European quarters of the majority of the great cities, thanks to the more or less interested tolerance of the authorities. But, none the less, the rule exists; in more than one case, the corporations have insured respect for it by rendering a prolonged residence in the locality intolerable to the intruder who is sufficiently audacious to compete with them, and by employing to this end either incessant small vexations or more energetic means of persuasion.

When, after the war of 1876-77, Turkey conceived the notion of replacing her ancient tax of "*temettu*" by something more conformable to modern ideas, when she desired to establish a rational tax upon the produce of commerce and industry, she naturally intended that this tax should also be levied upon the subjects of other states, who were until that time exempt from all contributions in virtue of the capitulations. This was a legitimate desire enough. But, in order to realize it, the consent of the Powers was indispensable. Recognizing that there would be an injustice in establishing an equal rate of fiscal dues for all the inhabitants of the Empire without regard to nationality, at the same time that the restrictions imposed upon freedom of manufacture were still being maintained to the disadvantage of foreigners, the Government inserted in the bill imposing a tax upon patents an article by the terms of which "all the inhabitants of the Empire, without any reservation, are granted the free exercise of industries of all kinds, of trades carried on by corporations and of all professions whatever in general." It might have been thought that, upon this basis, an agreement between Turkey and the Powers would be established without much difficulty. Such a supposition would imply ignorance of the usual course of events at Constantinople. Negotiations began, as slowly as usual. They were following their ordinary course, when Russia condemned them to certain failure by declaring that she would make her adhesion dependent upon the suppression of trades-unions.

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There were certainly in theory some good reasons for this demand. As long as the corporations exist, it will be difficult to consider industrial liberty as absolutely guaranteed, at any rate for the small producer and the workingman. The entire abolition of the corporations is, however, almost impossible for reasons given above. Rather than run the risk of provoking demonstrations, perhaps riots, and in any case discontent, the Sultan prefers to follow that course which is the easiest in every country, and towards which the Oriental in particular is naturally inclined, the course of doing nothing; and thus the bill of patents continues to moulder in the archives.

In the mean time, the situation of the foreigner engaged in trade in Turkey is in reality highly enviable, at least from a fiscal point of view. This lucky individual has the privilege of belonging to a state which protects him, but to which he does not pay taxes because he does not live in it; and of residing in another state to which he does not pay taxes either, because he is not a subject of it, and because century-old conventions confer upon him an almost complete immunity from taxation. He is only subject to the land-tax if he is an owner of house property. The other direct taxes do not concern him.

If he lived in his native country, in France or Austria, for example, Government officials would treat him with the majestic contempt which all administrators are in the habit of displaying towards the vulgar herd. Established at Constantinople, or in some other seaport of the East, he becomes a unit of a Great Power. A series of officials, encompassed by the immense prestige which these posts confer, ambassadors, secretaries of all ranks, attachés, dragomans, consuls-general, consuls and clerks, watch over the least of his rights with a jealous care, ready to interfere if he has the slightest dispute with the local authorities.

Certainly this system has had its *raison d'être,* and has it still. Ottoman administration and justice are not as yet, nor will be for a long time, sufficiently worthy of confidence for the stranger established in Turkey to be altogether subjected to them. Granted: but still those excesses might be avoided which may have had their reason in former times but are no longer justified to-day. There is no serious reason in favor of excepting from the payment of all direct taxes, with the exception of the land-tax, a Frenchman, German, Austrian or Englishman who has his home

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and business in the Ottoman Empire: of leaving indefinitely foreigners who are the permanent guests of Turkey in the enjoyment of a system which confers upon them all rights without laying upon them any burdens: of preventing the Turkish Government from realizing an important and legitimate step in financial progress, because this progress would impose expenditure upon the local protégés of the Powers. This is to take up an attitude which is unworthy of European diplomacy, and is of a nature to give the Turks a strange idea of the Western spirit of justice.

These explanations show that, whether internally or externally, an attempt at reform in Turkey is beset with great difficulties.

It would be unjust, however, for this account of the situation to produce too pessimistic an impression, and so prevent justice being done to the progress realized during the last fifty years. On the eve of the Crimean War, the country was as firmly closed to the rest of Europe as are Persia and Afghanistan to-day. It is only since that time that Turkey has begun to open her doors to modern culture. Railways have placed her in communication with her neighbors: Salonica and Constantinople are less than three days' journey from Paris; a long line connects the Asiatic shore of the Bosphorus with the heart of Anatolia. The great fiscal reform inaugurated in 1881 by the decree of Mouharrem, by insuring the punctual payment of interest upon the National Debt, has created a powerful and regular financial administration, extending the network of its agencies over the whole country, and giving an excellent example of order, regularity and good management to the other public institutions.

On examining what, in spite of all difficulties, has been accomplished in Turkey during the last half-century, we have no right to believe that she is irretrievably condemned to immobility, or to contest the possibility of a march of progress beyond the limits already attained, or to maintain that the sole means of insuring her progress is to expel the dominant race to Asia, where it originated—at the cost of a war which might set the Old World in a blaze.

The peaceful transformation of the Sultan's Empire is a question of time and of patience; it depends above all on the goodwill, firmness and union of the Powers.

CHARLES MORAWITZ.

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THE PRINCIPLE OF PROBATION.

BY THE LATE CHARLTON T. LEWIS.

THE study of the methods by which society should deal with crime is, strictly, a scientific inquiry. Detailed and individual facts, historical events, anecdotes of personal experience, are all valuable in their place, but are not the main objects of attention in such a research. To reach any solution of this great question, and even to understand it clearly, we must study human nature, and keep in view its capacities and the laws by which habits and character are formed and modified. Here is the supreme difficulty in making the principles of penological science understood, whether at the university or in the lecture room. The value and importance of the study of penal law are unquestioned: but the text-books in use are likely to be misleading; and the course of procedure in our courts is no less so. For the prevailing traditions of penal law and of its administration are full of assumptions, of pretended principles, which are at war with the facts of human nature and are hindrances to progress.

Our penal codes rest upon an attempt to classify crimes, as if they were substantive things, being capable of definition and comparison, creatures which can be classed in genera and species. The law defines manslaughter, arson, burglary, robbery, larceny, as if each offence were the product of a distinct human character and conclusive evidence of a distinct degree of guilt: so that, when the name is given to an act, the deserts of the perpetrator can be inferred from it. The entire system is absurd. We are dealing, not with acts but with actors, not with deeds but with men, not with abstractions but with human hearts, minds and lives.

The supremely significant and instructive fact, in the dealings of society with crime in our day, and one which has not been fully grasped as yet by the legal profession, not even by those who

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practise in criminal courts, and who should be familiar with it, is this: We have now two classes of institutions fundamentally distinct in character and purpose, both of which are designed by society, erected and conducted at public expense, for the purpose of dealing with criminals. The most numerous class of these institutions consists of prisons, in which to confine men for terms specified by the trial courts as penalties for their offences. The laws, under which offenders are sentenced to these prisons, aim at classifying crimes according to the degree of guilt they imply, and assigning to each of them the penalty which it deserves. Thus, to these prisons are sent men sentenced to confinement for two, five, ten, fourteen, or thirty years, or for life, according to the name which the law attaches to the crime proved upon them; and each man, when he has served the prescribed term, is turned loose upon society. The other class of institutions includes what are known as "reformatories." The fundamental principle here is that an offender is sent to them not for a term, but for a specified work. It is assumed that his character and habits unfit him for social life. For reasons to be found in his own nature, he cannot yet be trusted with freedom and the responsibilities of citizenship. But he may possess the capacity to become an honest, industrious, and useful citizen. To the Reformatory, then, he is sent to be educated; to be trained to habits of industry; above all, to be disciplined in the habit of looking forward to the future with the consciousness that his welfare and happiness to-morrow depend on his conduct to-day, and that he is constantly shaping his own destiny. He is expected to remain until it satisfactorily appears that this training is effective, and he may then go forth with a prospect of leading an honest and respectable life. This, in brief, is the distinction between these two classes of institutions.

For a generation past, these two kinds of prisons have been standing side by side in New York, Massachusetts, and other States. Each of them has received many thousands of criminals under sentence for grave offences. Each of them has sent out thousands of inmates into the world of human society, with whatever impress the life, teachings, and associations of the institutions could make upon their natures, as a preparation for their after career. What is the result? It is definitely known to every one who has taken the trouble to study the official and recorded facts, that a large majority of those who have been sent to the

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traditional prison and discharged after serving the prescribed terms, have returned to a criminal career and have taken their places among the habitual and, so to speak, the professional enemies of society: and that a large majority of those offenders who have been sent to the second class of institutions, have been successfully trained to industry and to lawful living, and have become self-supporting citizens.

On this subject, I do not assume to give statistics, with percentages of the number of discharged inmates relapsed or reformed, in either class of prisons. There are no satisfactory records of discharged convicts; numerical accuracy is not attainable in respect even to repeated convictions for crime; while there is no scientific basis of comparison as yet between the two classes of institutions, which would justify asserting a precise or even an approximate ratio of value to each. But the broad, general fact, that a large majority of these wards of the State are, by one mode of treatment, consigned to the criminal class and to final ruin, and that a large majority of them are, by the other mode of treatment, saved to society, is far within the limits of known experience, and will not be disputed by any one who has given intelligent attention to the subject. What is the reason of the difference?

The Principle of Probation is the key to the whole subject: it is the touchstone of the difference between these two classes of institutions. This principle is not a fanciful theory nor a sentiment, but a truth, fixed and fundamental in the facts and science of human nature. All human life is a probation—that is, every man is on trial during his life, in the general sense that what he does to-day determines his welfare to-morrow. We are the framers of our own future. We cannot put our hands in the fire and burn them off, and then have the use of them in after days; nor can we clog and mutilate our souls with filth and crime, and to-morrow have the proper use of them as human souls again. The supreme training of every child, until he becomes able to take his place as a man in the world, is to have this principle of probation impressed upon him; to become conscious that in every act and movement of his thoughts, affections and will, he is shaping his own future; that, in the language of psychological science as truly as in that of the preacher, "whatsoever a man soweth that shall he also reap." He who fully learns this is the

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educated man; he who learns this and acts upon it is the wise and good man. He who has not learned it is the infant, while he who has learned to live in violation of it, is the criminal. Children and criminals are much alike, in that nearly all criminals, like children, have an imperfect sense of the responsibility for the future imposed on them by the present moment.

Examine the mental habits of a body of such offenders as are sent to one of our penal institutions, and you will find that seven out of every ten of them are incapable of looking forward to anything like a remote future. They have to be taken in hand like children, almost like intelligent animals, and slowly and painfully taught the elementary fact of life and experience, that the future is the creation of the present, that to-morrow is cast in the mould of to-day. When you have succeeded in making the criminal who comes under your control or into your school realize that he must suffer to-morrow if he violates a law to-day, when you impress him with the sense of this law of life, so that he bears it continually with him, and restrains himself because of it, you have taught him the first step in the great lesson of reform. When he is so far trained in this principle that his consciousness of it can withstand the shock of sudden temptation and the long weariness of delayed recompense, so that his life is governed habitually by the aim and purpose to shape his future day by day, hour by hour, he has achieved his education and is prepared to take his place in the world as a man among men. Probation, then, is the law of education and reform. Long experience has taught us that the building up of this sense of the future is the end of all right methods of discipline for criminals. The deadly influence of the old-fashioned prison, as its inmates always say, "takes the heart out of a man." It incapacitates him for human society. Whatever disposition he had to live for the future, and it was weak and imperfect in nearly all, and needed support, guidance, and invigoration, was expelled or destroyed by entrance into the class of convicts. There is nothing for him thenceforth but to be a criminal, to revolve between crime in free life and its punishment in prison. Society spends much of its energy in impressing on the criminal the hopelessness of his condition. There are few even of the benevolent who will associate with him, who will not, on any occasion which brings them into contact with him, show their feeling of suspicion and aversion.

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The aim of the Reformatory, then, is to apply the principle of probation by making life within its walls a probationary life; a life in which this principle shall become incorporated in the very consciousness and soul of the offender. But it must be remembered that while a man is in confinement, subject to the discipline of a penal institution, a true probation is almost impossible. What we mean by probation is a course of life in freedom and in society: that is to say, its essential elements are that there shall be liberty of choice from hour to hour between evil and good, and that this choice shall be continuously exercised under the social influences which come with fellowship and intercourse, under all the relations of neighbor, friend, family, and fellow citizen. Without these two elements in union, there can be no natural and perfect probation. If you take away a man's freedom, not merely in the technical sense of placing him within stone walls, but by putting him under iron discipline, where every act is pre-arranged and regulated for him so that his life in every detail is determined by others—his rising, his meals, his labor, his exercises, his conversation, all ordered by rigid rules and limited by narrow restrictions—you suppress the activity of his will and make him largely a machine. You destroy that personal freedom which is the chief formative and upholding power in character. You limit to the narrowest field those exercises of the will by which we direct and control every detail of our lives. It is not easy to realize how many decisions one makes in a day. How many acts of choice are performed by one's volition? Every movement of one's body, every word one utters is the result of an act of the will dependent upon considerations in the mind which determine it. Throw a man into prison under its severe discipline, and that experience is largely taken from him; he becomes, in all matters of moment, an instrument in the hands of the law and the officers of the institution. At the same time that his freedom is destroyed, all social influences are taken from him. The chief agency for the general and proper development of human nature is the fellowship of mankind. But, in prison, free and natural conversation is impossible; companionship and sympathy are restricted: the social basis of the soul is taken from under it.

Thus, in confinement, the two essential elements of human life, as a probation, are destroyed, and with all efforts it is impossible adequately to replace them. Great and beneficial as the work of

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our Reformatories has been, it is hampered and narrowed at every point by the impossibility of reconciling imprisonment in any form, with a degree of freedom and of true companionship which will answer to the demands of the principle of probation, and give it full efficiency. Hence, it is of prime importance that, to the utmost extent possible, the probationer shall be kept outside of the walls of institutions, and apart from their discipline and their solitude. If you would reform the probationer of criminal tendencies, you must place him under social conditions and where his power of will is continually exercised. You cannot give him the power to choose good, unless you give him also the power to choose evil. In order that he may be drawn to use his power of choice for good and not for evil, you must surround him with all the influences for right and for strength of character that you can command. During the formative period of life, the acts, the sayings, the very looks and atmosphere of those around us are at work upon our natures, shaping their growth. The weak need these influences even more than the strong. Those who have criminal tendencies need them more than those who are free from such tendencies. Hence, it comes to pass, not as an impression, a mere theory, a philanthropic dream, but as a scientific fact which lies at the basis of all true penal law and administration, that, in order to reform men whose natures are prone to crime and to save them to society, their personal freedom must be conserved to the utmost extent that is safe for others, and they must be surrounded with social influences as natural and as strong as those which other men enjoy. In other words, the ideal of reformatory efficiency would be attained by a society which should itself become the probation officer for those who have gone astray; a community, which, as a whole, should exercise supervision over them, should follow their daily life with affectionate care and kindness, should extend the sympathy of human brotherhood to them in trial and under temptation, should furnish them with a guidance and a leadership which will tend to keep them in the right way.

This ideal is not, of course, attainable, in a community like ours. It would be idle to expect it, under the conditions of our industrial society, with the concentrated and yet shifting masses of population in our cities, and with our traditional horror of the criminal as the foe of mankind. But the disposition and desire

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to save all that is capable of reformation in the wreckage of character and life, to compensate in some degree those who have failed for want of the education and influences freely given to others, may well become general, when the principles by which such reform is possible are clearly understood. Society will then gradually devise the agencies which are best for the work, and will support and inspire them by its own beneficent and intelligent purpose.

In this brief paper, it is possible only to suggest broad considerations, which may tend to correct and complete our ideas of penal law and administration. It is by obtaining rational attention to the subject, and by the formation of a sound public opinion upon it, in accordance with true principles of social science, that any valuable reform can be effected. To this end, one pregnant thought must be kept in mind. All that has been done in recent times to mitigate the ferocity of penal laws, and to make organized society the savior instead of the destroyer of its most unfortunate class, has been done by introducing hope to the prisoner. On the door of the jail of the old style was written: "Leave hope behind, all ye who enter here." The new gospel of penal law, the new doctrine of social science, is to make the prison the home of hope. When a wrong-doer is brought to its gate, let him in, saying: "Here is a place of rest, until you are able to go forth, as we feel assured you will, to do a man's work in the world." Hope is the stimulus of effort; the prospect of creating a future is the motive for doing well in the present. Religion and science, whatever conflict they may have or be imagined to have in aught else, are at one in this fundamental truth; and in accordance with it all penal laws should be framed and all penal institutions conducted. With this principle clearly in view, we should know that it is the extreme of folly, and is treason to society, to send an habitual or professional criminal, a depraved nature with no sense of order or restraint of conscience, out into the world, whether he has served a term of years in prison or not; and that every such enemy of mankind should be confined until his character is changed and his future honesty of life reasonably assured. But, on the other hand, it is but fair to cite a remarkable paper in the "Nineteenth Century and After" for February, written by an intelligent man who has served as a convict a term of imprisonment in a British State Prison. He gives

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a striking and, doubtless, a correct account of the character of the habitual criminals with whom he was associated. He knew them by thousands, in the course of his career; but among them all there were but two whom he could regard as wholly incapable of reform. The rest were habitual criminals because there was no other life open to them; because of the want of that element of hope which is the motive power of true life. You cannot reform without it; you cannot even sustain in law-abiding citizenship the mass of our fellow men who are not criminals, without it. How, then, can we ask the man who has fallen, who meets all the obstacles of weakness, of habit, of discouragement, of bad repute, to overcome them without the inspiration of hope? This is the one force which moves humanity onward. Put it into the heart and life of the convict, and the work of reform is begun, his salvation is nearer than he or the world has believed. He is brought into touch with the movement of the race towards light, with the cheerful and confident promise of a nobler future which inspired the greatest poet of our age to cry:

> "Though the rough kex break
> The starr'd mosaic, and the beard-blown goat
> Hang on the shaft, and the wild fig-tree split
> Their monstrous idols, care not while we hear
> A trumpet in the distance pealing news
> Of better, and Hope, a poising eagle, burns
> Above the unrisen morrow."

CHARLTON T. LEWIS.

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MORE TRUTH ABOUT WOMAN IN INDUSTRY

BY ELIZABETH CARPENTER.

AFTER a most plausible array of disheartening facts about "Woman in Industry," Mrs. Flora McDonald Thompson, in the May number of the NORTH AMERICAN REVIEW, draws her final equation of the whole matter in this wise:

I. "The practice of so-called economic independence has achieved for woman financial results indicated in the fact that her average earnings are less than one dollar a day.

II. "The effect of the practice upon economic interests is to lessen efficiency and to increase the cost of production.

III. "The effect upon the woman herself is to impair her physical fitness for the maternal function, and to subject her to a false system of education, which mentally and morally unfits her for her economic office in the family.

IV. "The effect upon society is to promote pauperdom, both by increasing the expense of living, and by robbing men of the responsibility which gives them force and success in their natural office of dispenser of wealth to the family."

In a supreme burst of pessimism, this trenchant summary concludes: "In a word, the truth about woman in industry is, she is a frightful failure."

Can all these things be as depressingly proven as Mrs. Thompson would fain have us believe? Let us see.

The first assumption is that the average woman earns less than one dollar a day; but, according to the writer's own testimony, the normal woman in industry is "the woman wholly or in part supported by others." Here lies a fact upon the very surface of the argument which at once stamps the whole comparison of masculine and feminine labor as fundamentally unfair.

The subject, apparently, is broader, deeper, more significant than isolated statistics upon certain hundreds or thousands of

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women workers, newly arrived in the masculine fields of general industrialism, and there placed in competition with men.

The question of man *versus* woman is as old as time; the problems of male *versus* female are as delicate as those of flower *versus* plant, and it is only repeating endless confusions to attempt to force upon the individuality of woman the time-worn tests and trials of the energies of man. *Thus far* the average earnings of woman may be less than one dollar a day; but it is a proven truth (which Mrs. Thompson repeats herself) that, thus far at least, a woman can live upon less than a man. The fair conclusion, therefore, accentuates itself—the woman equals the man in ability to preserve life; her needs are less, she accepts less pay. Thus, as an active factor, she justifies her existence in the economic world and upon a purely economic basis. To refuse pay sufficient for her needs only because her stronger companion is unable to sustain himself upon her more modest levels, would be sentimentalism pushed to such extremes as would ruin forever her plea for some place in a purely practical world.

But, says Mrs. Thompson, "the effect of the practice upon economic interests is to lessen efficiency and to increase the cost of production." In the face of assertion I., this claim seems of doubtful force. Is it not undeniably true that the modern employer considers more carefully the physical well-being of his men, as well as of his women employees? Do not factories, stores, etc., where both sexes are employed, open and close at the same hour for all concerned, irrespective of sex? And is not the standard objection to the labor-unions one that rebels against an established rule of consideration for the average man, pushed even to the extent of crippling the possibilities of exceptionally strong individuals? Will it be claimed that *men* are never sick or disabled? If so, why so many beneficiary societies? Why a pension roll? Why a retired list for army and navy? Why the innumerable provisions of railroads, and, increasingly, all corporations, for the help of disabled or temporarily crippled employees, most of whom are male?

That women, as a sex, have more physical endurance, more patience under prolonged pressure than men is too well-known a truth to repeat it again. This plea certainly needs broader horizons than the environment of a sick girl on a couch in a department store.

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Women's demand for physical consideration on account of their sex, is all along the line of more humane human living, and the existence of societies for the prevention of cruelty to animals as well as to children is no better proof of inferiority in beast or child than the eight-hour law is of male incapacity for a reasonable day's work. If the point is still pressed, in a last analysis, perhaps, the unfortunate fact that drunkenness is largely a masculine failing might even the balance where purely bodily handicaps are concerned.

We do not look upon a man as an object of pity because modern masters have caught the spirit of general progress and are more considerate, more humane than the average employer of mediæval times. Are soldiers illustrations of a "hopeless charity," because modern governments provide camp hospitals, the Red Cross army, and such food and creature comforts as the regiments of the Good Queen Bess or of Frederick the Great never dreamed of receiving? Humanity is not charity, it is justice; and if, indeed, the Massachusetts Bureau of Labor Statistics reports in such fashion that the records show "the tender concern of good men for frail women," it is simply an evidence of a civilized spirit which does credit to the men and is no dishonor to the women.

There is a fatal flaw in all statistics which contrast the male and female forces in the industrial world, or anywhere else, for that matter. No true woman wants to be a man, any more than a virile man wants to be a woman. For all time they are simply—*different;* "male and female created He them," and it is as futile to attempt to equalize them as it would be to make a deer love the ways of a lion, or an eagle content himself with the scope of a wren. Each has a place and that place is final. Statistics, therefore, which aim to prove that newly-arrived woman fails to equal experienced man are no more fair than would be figures which showed the superiority of the trained artisan over the raw apprentice. It is a plain truth that in the world of industry, outside the domestic régime, women are still strangers; they are merely beginners, apprentices; and it is centuries too early to attempt final conclusions as to their industrial acceptability when compared with men.

But, here we approach Mrs. Thompson's third point, "the effect upon the woman herself is to impair her physical fitness for the maternal function, and to subject her to a false system of educa-

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tion, which mentally and morally unfits her for her economic office in the family." To the first clause of such a sweeping paragraph every earnest thinker will be moved to pay the closest attention; and if it can be established as an incontrovertible fact that labor impairs woman's "physical fitness for the maternal function," it is one that must "give us pause."

But has not this danger been, at least partly, realized and provided for? In France, we are told, the Council of Salubrity determines "what branches of industry a woman may engage in without detriment to her health."

France, among the modern nations of the world, has an enviable record in regard to her industrial ability. She has a thriftiness, a capacity, a recuperative quality, not easily equalled, and yet we hear continually that "in France, the men are the women and the women are the men."* That is, in France it is a notable fact that the clear-headed, steady-nerved, keen-sighted wife is the economic force which conserves, and also frequently produces, the supplies necessary for the support of the family.

But it is also true, as the quick observer will at once note, that in France the problem of declining maternity is at present a menacing one, and on the surface, the idea that economic success injures motherhood's probabilities might appear to be justified. But M. Zola, who was the great modern materialist, in this especial phase of human living, has declared in many of his books, and most especially in his novel, "*Fécondité*," that, when families in France are restricted in numbers, it is generally due to one of two things. First, the hard-working husband objects to many children as a drain upon his resources; or, second, the ambitious rich couples refuse to raise families, as their chief desire is to leave their estates intact to a single heir, and thus transmit the family name and possessions.

Here, then, we have an array of facts which leaves the woman in industry unassailed, and modern American life sustains the situation. Mrs. Thompson says: "Now, in the design of nature, which neither university courses nor political emancipation can overthrow, the destiny of woman is wifehood, maternity. Abstract these offices from any calculation concerning the sex, and we have the end of the world." The truth of this is readily granted; but we are told also that in the industrial world 17.22 per cent., in-

* Mr. Richard Whiting in "Paris of To-day."

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cluding all workers above ten years of age, covers the entire class of feminine industrial factors. There are thus left 82.78 per cent. to sustain the normal order of production; and when we consider the widows, the spinsters, and the deserted wives who are forced upon the field, through no desire of their own for economic independence, the actual number of women insisting upon equal competition within masculine lines grows even ridiculously small.

Noting now that this minute army is "constantly depleted by marriage," and also that "the permanency of woman in industry is as a class and not as an individual," and then admitting that, through her less dominant demands, the woman is able to toil for a lower wage than the man, it still persistently appears, through Mrs. Thompson's own conclusions, that any deterioration in the scale of living which female labor brings about is counterbalanced by the delicacy of woman's constitution, which demands for her comforts and luxuries, all of which are an expense to her employer.

Where maternity is concerned, the admitted truth fully exonerates the average woman in the economic world. It is not the laboring-man's wife, the washerwoman, nor the scrubwoman who fails in fecundity, although these toil daily with all their might, overtaxing repeatedly their poorly nourished physiques; nor is it the mate of the middle-class man, that ideal housewife who justifies the old saw,

> "Man's work is from sun to sun;
> But woman's work is never done."

It is not these (let us insist upon this significant fact); it is not these women who are childless; it is those who rival the lilies of the field. "They toil not, neither do they spin"; but it is they—the rich women, the prosperous ones, the unemployed, the leaders of "social sets," the queens of "social functions," who are more and more insistently refusing to perform the only labor which life has asked of them—the office of reproduction. To the average girl in factory or mill, a home, a husband and a child are still, evidently, such desirable things that she leaves her work and her wage continually, and insists upon "depleting by marriage" her industrial world until she is the despair of the statistician.

In the light of the broadest truth, then, the effect of economic labor is not to be compared in harmful tendencies to the effect of the unused leisure, the petty social ambitions and the soul-be-

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numbing selfishness which follow so often in the train of men's acquired millions.

It is not toil, effort, energy, which disintegrates an individual or a nation; it is idleness, inertia, and a desire to allow the willing few to assume the burden of personal support for the many. The spectacle of one hard-pressed male called upon to feed, clothe and decorate half a dozen able-bodied females, "his sisters and his cousins and his aunts," is one the modern world finds degrading to both parties in the uneven contract, and in this remnant of mediæval ethics there is that which smacks of mediæval crudeness.

Again, "the physical fitness for the maternal function" cannot be impaired except through physical degeneration, and careful physicians have shown that among the most trying, enervating and exhausting strains to which the feminine physique can be subjected, perhaps washing, ironing, sweeping and nursing the sick may be counted as in the lead. The trained nurse is an eminently feminine laborer, and yet the testimony in many hospitals is that which declares that it is the exception and not the rule to send out graduates whose physical condition is as good as when they entered upon their training. Statistics claim that, among the insane, farmers' wives often lead in the list; and yet the life of a farmer's wife is dominantly domestic.

But there is still a second clause to be met. "Mentally and morally," the working-woman is unfit for her "economic office in the family." Now why? The writer uses herself as an illustration, and we are therefore excused for becoming personal for a moment. Mrs. Thompson says: "I hire a capable woman to manage my house, and by working at my profession I earn money that compensates my family for the money loss entailed by my domestic inefficiency." Surely, the "capable woman" in the kitchen ordering a household régime and paid by another one, equally capable, at her desk in the library, is a far better situation for any family than a literary woman bungling over range, in linen-closet and dining-room, and a first-class, but not learned, housekeeper vainly hunting work by which to sustain her own possible family.

Why is it a proof of mental or moral inefficiency that a woman earns money in a way which is both pleasant and easy for herself and profitable for others less gifted intellectually?

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Was Mrs. Browning of less use to her husband and to the world than she would have been if she had attempted to cook the family meals and sweep the common house? All labor is dignified and uplifting, if properly approached; but all labor is not fitting to each individual.

Shall, then, the woman of active mentality be accused of inefficiency if she lacks only tough physical fibre, or even the practical intelligence that deals knowingly with a domestic régime? It was Mary and not Martha who "chose the better part," according to the greatest of all teachers.

Let it not be said, then, that in a world of men, where even a statistician "never forgets that he is dealing with ladies," the demand upon women recognized in the twentieth century is only for the functions acknowledged by primitive man.

When woman touched man's brain and his soul; when she proved she could sustain fully her maternal functions, and also meet him as companion and friend; then, for the first time in his history, man became altruistic and realized that, within the compass of one home, and with one wife, he could reach a higher grade of civilization than when he ignorantly insisted that motherhood alone should absorb all of a woman's energies.

It is quite true (to return to our direct argument) that "business is business"; but it is also true that the three meals a day, in the humblest household, cannot wait to be served any longer than an editor can wait for copy—yea, not even if the wife is ill or has a baby in her arms. Indeed, the regular demands of average home life, the mere necessities of daily existence, the "what-shall-we-eat, what-shall-we-drink, and wherewithal-shall-we-be-clothed" cry of a wide-awake family, never cease, from the sound of the first call to labor at sunrise until the last stocking is darned, by the mother (at midnight, perhaps), after all the male economic factors in the outside world are soundly asleep in their respective beds.

No one interested in human development, no one concerned in the welfare of our human institutions, cares for a moment to belittle the importance of a woman's presence at home, of a mother's supreme mission, of a wife's significant duties; but let us not confuse our values; let us not assume that—if, indeed, "business is business," and is not yet based upon the Golden Rule—the business world is and forever will be a degener-

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ating, debasing atmosphere, and one that necessarily disintegrates a woman's moral and mental fibre where domestic relations are involved. The steady progress of the general world towards broader, gentler, more Christian actualities, in the very heart of the business centres of to-day, shows unmistakably that the basic values of the Golden Rule may in time grow to be appreciated even in the mart of a noisy world.

Business men are not "ravening beasts," that delicate or even sickly women need quake with terror when the stern necessities of life force them into office, store, factory or mill. The intrusive fact that the "servant problem" is the deepest issue in modern domestic economy proves irrefutably that working-women, as a class, have found living conditions more acceptable in the industrial world, outside the home, than they were in household service; and it is lamentably true that the expert cook is by no means a comforting illustration of "sweetness and light."

There are a thousand things within the narrow sphere of a woman's most circumscribed domestic career that may debase her mentality and stifle her soul, until her attitude towards the world at large (and man in particular) is that of Mr. Kipling's "Vampire":

> "And it isn't the blame, and it isn't the shame
> That stings like a redhot brand;
> It's coming to know she never knew why,
> And never could understand."

Life is a larger thing than living; and unless the woman, the mother, the reproductive factor at home, can touch the world of her acting fellow beings outside at some vital point in their development; unless at least 17.22 per cent. in the labor world can feel and see and even suffer through "the cares that infest the day," there will gradually come upon our fertile earth a dismal hour when Western mothers will begin to bring forth only hybrid males—masculine bodies, handicapped by feminine fears; and we shall drift slowly back into the languorous incapacities of Oriental dreams, where sex overshadows all mental and moral values, and the Sultan and the harem illustrate the result of confining woman too closely to her strictly physical function.

But Mrs. Thompson's next point suggests a novel danger. "The effect upon society is to promote pauperdom, both by increasing the expense of living, and by robbing men of the responsibility

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which gives them force and success in their natural office of dispenser of wealth to the family."

In the large horizons which attract progressive man towards ever-new fields of effort, towards ever-increasing wants in the way of refined and comfortable existence, surely pauperdom does not increase in proportion to the expense of living. If this were true, the logical conclusion would naturally be that the naked Indian, sheltered in a tent and warmed by his blanket, is a better type of man than the successful citizen of our latest time, who is clad in comfort and elegance, and housed in a dwelling equipped by the eager intelligence of his fellow men, who have combined with him to make physical existence a pleasant and luxurious thing. To increase our needs is surely not to invite pauperdom. The pauper is the man who is content with only the bare necessities of daily living; the prosperous one is he who has a thousand wants, and who actively strives to gratify them. "Men's conduct shapes out their fortunes, and the unlucky are never the valiant nor the wise."

But if, in the money-getting world, about one-sixth of the workers are women, will this fact really "rob men of the responsibility which gives them force and success in their natural office of dispenser of wealth to the family"? Mrs. Thompson says: "It is better even for the family to suffer want than to entail upon the man the degradation of character imposed upon him when he becomes dependent upon a woman's earnings for support." This is a strange claim when woman's endangered maternal function is under discussion. If the alternative must be faced, of a suffering family, of poorly fed and uneducated children, or a husband (an adult) supinely leaning upon her for his creature comforts, what true mother may hesitate for a moment? If she sacrifices the future of her offspring to sustain the feeble manhood of her husband, she is a traitor to her highest duty—the imperative obligation to reproduce not only a quantity, but a quality (in so far as she is able), that will aid in the gradual uplift of mankind at large.

The adult, all statistics show, rarely reforms; the hope of any people under a ban is in the calibre of its children, its coming generations; and if, in truth, there are to be found, here and there, males who are ready to surrender their "natural office as dispenser of wealth to the family," the supine minority is of such

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contemptible value, in the general sum of human progress, that the capable females can well afford to leave them behind in the race for success, while they see to it that their children are properly trained to atone, by developed energies, in a new decade, for their fathers' incapacity in this.

And, finally: "In a word the truth about woman in industry is, she is a frightful failure."

If "woman in industry" means an Amazonian virago, clamoring for "woman's rights"; a swaggering hoyden, aping men's modes and manners; or even a too-ambitious worker insisting upon an equal race for power, within purely masculine limits, all honest men, and women, too, will be glad to discover that she has been and still is "a frightful failure." Every time a woman endangers the dignities and responsibilities of her especial sex, she deserves to fail, and Nature will see to it that she does. Every time a woman belittles or scorns the supreme duties of wife and mother, she strikes a telling blow at the progress of the human race, and she deserves the heaviest punishment. Every time a man permits a woman to lose her basic values as a reproductive factor, he makes a grievous mistake, for which his sons, or grandsons, must atone in bitterness and sorrow. Therefore, we quite agree with Mrs. Thompson when she pleads for the conservation of the feminine function, for the preservation of the family and the home.

But the fact that a woman, in the deepest sense, is what Mrs. Browning's Adam calls her, viz., "The Mother of all the living," is only one-half the truth for which she stands. A woman, as well as a man, is a human being, first, last and always; and, as such, each must assume a proper place in such fashion as shall develop the highest possibilities of sentient beings, and at the same time secure the steady advance of humanity as a whole. From this point of view, woman has a dual, or triple, function. "The days of man are threescore years and ten," and from these seven decades a woman may reserve only two, or at most three, for maternity. What shall she do with the remainder of her individuality, after she has fully sustained all the requirements of wifehood and motherhood? She has a mind and a soul, as well as a body, and the needs of her especial nature stamp her, even in babyhood, as equipped with certain talents which it is her first duty to develop.

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The past is strewn with innumerable wrecks of maimed and ruined lives, because ignorance and prejudice have insisted upon denying to both boys and girls the right to live out themselves according to their inborn tendencies. "Blessed is the man who has found his work"; so also it is with woman. Part of the truth insists upon the conservation of her distinctive force; but the wider scope demands that one function shall not crush nor overwhelm all others.

When woman tries to become man and to do man's work in man's way, she fails, and she will continue to fail as long as sex is the final distinction which no possible element in life can disturb. But the industrial world does not circle about the home without entering its doors. In the tide of affairs that sweeps men on to fortune, the ebb and flow are felt as quickly upon the hearthstone as they are upon the forum, and the woman beside the cradle is as truly an economic factor, is as significantly "the woman in industry," as any of her sisters who happen to be earning a personal income in more direct ways.

Therefore, when "woman in industry" means, as it already does in numberless ways, simply one class of capable human beings expressing themselves after their own particular fashion; when it shows a Rosa Bonheur with her paint-brushes, a George Eliot with her pen, a Clara Barton with a nurse's cap, a small army busied at loom, at counter, as typewriter, in libraries, in hospitals, in kitchens, or in offices, it means only that here, at last, woman is not only the wife of one man, not only the mother of a half-dozen children; but she is normally "the eternal feminine," manifesting anew her distinctive intelligence, earning in the broadest sense her indestructible honor as "Mother of all the living."

ELIZABETH CARPENTER.

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THE RESTRICTION OF IMMIGRATION.

BY ROBERT DE C. WARD.

In the April number of the Review, Mr. O. P. Austin answers in the negative the question, "Is the New Immigration Dangerous to the Country?" and arrives at his conclusions by an analysis of numerous statistics, of which he is a well-known and acknowledged master. Mr. Austin says that it is hard "to apply the statistical measuring rod with an assurance of obtaining exact results in the way of conclusions." To this the present writer cordially agrees, for he is convinced that the immigration problem is so vast and so complex that present statistics cannot give any satisfactory solution of it. This problem, however difficult it may be for us to deal with here and now, is essentially a problem not of the present, as most writers assume, but of the future. And because the problem is of the future rather than of to-day, present statistics of immigration, of the character of our immigrants, and of their relation to pauperism and crime, cannot furnish satisfactory answers to questions arising out of this problem. Again, the assimilation of our immigrants cannot possibly be treated by means of statistics alone. Whether our recent immigrants are or are not becoming satisfactorily assimilated can only be determined by those who have constant close personal relations with them.

Thus we are ready to take up the first of the conclusions reached by Mr. Austin, "that the present immigration, large as it is, is not beyond our power of assimilation, and probably of healthful assimilation." The first comment which suggests itself in this connection concerns the numbers, not of last year's immigration, nor of this year's, but of the immigration of 1925, 1950, and of other years still farther off in the future. It is perfectly certain that emigration to this country will not decrease in the

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future, except during occasional periods of financial depression, but that it will and must increase, unless the United States take some steps towards further restriction. No one who has watched the trend of passenger-steamship traffic between the United States and European ports within the past few years, and especially within the past year, can have failed to be impressed by the increase in the number of sailings in general, and especially by the marked increase in the number of sailings to and from Mediterranean ports. Within a few months the White Star Line has inaugurated a new service between Mediterranean ports and the United States; the Cunard Line has entered into competition for the steerage traffic from southern Europe, northern Africa and Asia, and has closed a contract with the Austro-Hungarian Government by which the Cunard ships are guaranteed 30,000 emigrants from Austria-Hungary every year;* a new line of steamers has been established between Odessa and New York; the Austro-American steamers which formerly plied as cargo-boats between Trieste and Central America have been transferred to run as passenger-ships between Trieste and New York; the number of Mediterranean sailings of the Hamburg-American, North German Lloyd and other companies, has been largely increased. All this is evidence of a very large growth in the steerage-passenger traffic from southern and eastern Europe and from Asia. The building of new railroads in Asia; the easier communication with the sea thus resulting; the increase in the number of steamship agents all over eastern Europe, northern Africa and Asia Minor—all this likewise means more immigrants.†

Our fathers, who witnessed a total immigration of 128,393 in the decade 1820-1830, would probably have thought it beyond the range of human possibility to have 1,000,000 people brought across the ocean in a year. Yet, in view of the rapid increase in the size of ocean steamships, some of which now accommodate over 2,000 immigrants at once, may we not with reasonable cer-

* That part of the contract which concerns the guarantee of 30,000 emigrants annually has since been modified, according to cabled reports from Europe.

† The competition between the rival steamship lines has recently resulted in a rate-war, and in an accompanying reduction of the cost of a steerage passage from many Europeans ports to the United States to ten dollars, and even less. The natural consequences have been an increase in the number of immigrants, and a marked deterioration in their quality.

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tainty expect an annual immigration of 2,000,000 within ten or fifteen years? Do any statistics as to numbers of foreign-born now here help us to solve the immigration problem of the future, which is going to be so immeasurably more difficult? Furthermore, the new immigration from Austria-Hungary, Italy, Russia, Poland, Greece, the Balkan Peninsula, Syria, etc., which has only just begun, will continue to increase with increasing facility of transportation. If we have an Italian slum problem, and a Jewish slum problem now, what shall we have when perhaps 3,000,000 Russian Jews have come to us, and when 5,000,000 Italians are living here? Not only so, immigration from Asia has only just begun. Within a few years it may increase until we have more Asiatic immigrants in a year than we now have Italians. Is this not reasonably certain, and was not the late General Francis A. Walker right when he said that the tide of immigration will flow on as long "as there is any difference of economic level between our own population and that of the most degraded communities abroad"? This, it seems to the writer, is the view of the future which ought to be taken by every one who thinks seriously of this vast problem of immigration. James Bryce was not far wrong when he spoke of the more and more thorough "drainage" of the inland regions of Europe which is illustrated for us in the new immigration, and General Walker's apt phrase, "Pipe-Line Immigration," is as true as it is suggestive; for, although many thousands of immigrants still come here every year who may be ranked with the pioneers who came fifty years ago, when the journey was long, hard and expensive, a very large number now come because they are persuaded to come by some steamship agent; or because they find it easier to leave their home problems and take a fresh start, or indeed because their own communities make it easy for them to leave for the good of those communities. It appears, then, that statistics of present immigration are of little help in a broad view of the immigration problem of the future.

As to the assimilation of our alien population, that, likewise, cannot be expressed statistically. In this matter, there has been no more authoritative expression of opinion, by a large body of competent judges, than is contained in a series of resolutions sent to the last Congress from most of the Boards of Associated Charities throughout the United States. These resolutions, which em-

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bodied the views of voluntary and paid charity workers who every day are brought into close contact with the immigrant, and who, if anything, are prejudiced in his favor, held that "it is impossible to make the conditions of the very poor substantially better when every arriving steamer brings more of the ignorant and unskilled to compete for the employments that are open only to the ignorant and unskilled"; and that "the difficulty of securing universal education is greatly increased when every year sees landed an army of one hundred thousand illiterates, whose children will start upon their career as American citizens from ignorant homes, under practically foreign surroundings." It is significant to find in the last Annual Report of the Associated Charities of Boston the following:

"With an immigration as unrestrained as at present, we can have little hope of permanent gain in the struggle for uplifting the poor of our cities, since newcomers are always at hand, ignorant of American standards."

Again, in the 27th Annual Report of the United Hebrew Charities of New York, after statistics concerning pauperism, is the following:

"It is unnecessary to introduce . . . the causes that underlie these conditions. The horrible congestion in which so many of our coreligionists live, the squalor and filth, the lack of air and sunlight. . . . Even more pronounced are the results accruing from these conditions: the vice and crime, the irreligiousness, lack of self-restraint, indifference to social conventions, indulgence of the most degraded and perverted appetites, which are daily growing more pronounced and more offensive."

It is clear that we are not properly assimilating our foreign population when a judge in New York State rejects the naturalization papers of sixty persons, on the ground that "when a man has been in this country five years, and is unable to speak our language, . . . he is not fitted to be admitted to citizenship;" or, when we find in the factories of the Empire State young men and women of seventeen to twenty who have lived here since they were four or five and who cannot yet understand or speak English. It must, furthermore, always be remembered that even if all the "unabsorbed" immigrants are brought to the point of demanding the same standards of living as those of the older part of the population, there is, as the late Professor Richmond Mayo-Smith so

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clearly pointed out, an inexhaustible supply behind, which in its turn must also be raised up.

Thus, there are two sides to the question, Has the new immigration become assimilated? Whatever may have been our success in assimilating those who have come in the past, it must be remembered that our work thus far is small compared with what is before us. No wonder that General Walker, who had intimate acquaintance with this problem through his work as Superintendent of the United States census, wrote:

> "That man must be a sentimentalist and an optimist beyond all bounds of reason who believes that we can take such a load upon the national stomach without a failure of assimilation, and without great danger to the life and health of the nation."

In connection with assimilation, Mr. Austin makes use of the argument that, "while the immigration is larger now than ever before, it is no larger in proportion to the population than on many former occasions." The difficulty about this argument is that, whereas in the early days of the "new" immigration, twenty years or so ago, the "new" immigrants found themselves merged in a great mass of many millions, consisting almost wholly of Anglo-Saxons, it is becoming increasingly true that our new arrivals from southern and eastern Europe and from Asia come less and less in contact with the older part of our population. What difference does it make to the 200,000 Italians, Hebrews and Poles who were last year destined to New York State, and mostly to New York City, that there is a total population in the country of 80,000,000? The path of an immigrant is very easy from his European village to a settlement of his own countrymen in some American city. He naturally goes where his relatives and friends have already settled; he may live for years in an American community without coming very directly in contact with the older portion of the population, and sometimes even without finding any necessity of learning the English language. Thus it appears that statistics of annual immigration, in its relation to the total population of the country, cannot give any idea of the capacity of our people for the assimilation of the million of immigrants who came last year, nor of the possible future assimilation of the millions who will later come to us.

In regard to Mr. Austin's second conclusion, "that the so-

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called 'objectionable class' is not the class which is filling the jails and almshouses," it should be noted that the census statistics of criminality are defective in that they do not make adequate distinction between criminals of foreign birth and of foreign parentage, and that crimes are not properly classified in respect of their being petty or serious. Secondly, it is yet too early to determine statistically what the relation of the new immigration to crime and pauperism will be, there being a good deal of evidence that the children of our recent immigrants are less law-abiding than their foreign-born parents. Thus, in the Final Report of the United States Industrial Commission, page 967, it is stated that "the second generation, *i. e.*, the native children of foreign parents, furnish the largest proportion of commitments and prisoners of all race elements in the population." Thirdly, a good deal of evidence can be adduced to show that the new immigration is a good deal of a financial burden, after all. In New York City there is, of course, the greatest congestion of recent immigrants, and here the rest of the country may well learn a lesson as to the conditions which are pretty certain to prevail elsewhere, as our other cities become more and more filled with the "Pipe-Line" immigrants from the slums of Europe and of Asia. One of the managers of the "House of Refuge" in New York City says:

> "I notice the large number of children that are placed in charitable institutions for no crime or misdemeanor, but to relieve their parents of their support. They are principally from southern and eastern Europe."

There are estimated to be 40,000 cases of trachoma in New York City, imported almost entirely by aliens from southern and eastern Europe, and this danger is so great that the Boards of Education and of Health have found it necessary to examine the pupils in the public schools at frequent intervals, in order to check the spread of this disease among the children. Dr. H. J. Shively says:

> "Infection from trachoma and favus is readily traced to immigrant sources; in tuberculosis the course of the disease is slow and insidious, and immediate sources of infection are less readily recognized. It is perhaps for this reason that the danger of the tuberculous immigrant to the health of the community has not been emphasized as it should be."

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When all has been said, *pro* and *con*, it still remains a fact that, whether the new immigration does or does not add *unduly* to the number of criminals and dependents, it certainly adds considerably to them, and finally, that the present gives but little idea of what the future will bring forth. The fact that our newer immigrants have so far not furnished a disproportionately large number of paupers is doubtless in part due to their lower standards of living. But, meanwhile, these same lower standards of living work detrimentally with regard to the community as a whole.

Mr. Austin's third conclusion as to the "new" immigrants is "that, while they are somewhat deficient in the matter of education, that of their children is likely to compare favorably with that of our own population, and that they will thus contribute a safe and valuable element to the future population of the country." This opinion is based on the fact that a larger percentage of the children of immigrants go to school during the years between five and fourteen than of the children of native whites, and that the percentage of illiterates among children born in the United States of foreign parents is smaller than among the children of native whites. These facts are well known, and are among the most hopeful and most encouraging signs for the future. On the other hand, however, ought we to make our already heavy burden of native illiteracy any heavier by adding to it several hundred thousand foreign illiterates, for the reason, forsooth, that the children of these foreign illiterates will form "a safe and valuable element" in the population? We have the burden of native illiteracy, adult and child; we have the burden of negro education. Our first duty is, obviously, to our own people. Shall we deliberately add to these burdens the education of the illiterate millions who are coming and will continue to come from foreign lands? Miss Adele Marie Shaw, who has recently made a thorough study of the New York City public schools, concludes that the only remedies for the conditions there existing are the restriction of foreign immigration and a vast increase in expenditure—"larger than any yet dreamed of." "With eighty-five per cent. of its population foreign or of foreign parentage, its salvation dependent upon the conversion of a daily arriving cityful of Russians, Turks, Austro-Hungarians, Sicilians, Greeks, Arabs, into good Americans . . . the city has a problem of popular education that is staggering." Furthermore, it is to be remembered that

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the very statistics which show the small illiteracy of the children of foreign-born immigrants also show a high percentage of criminality of these same children when they grow up.

Fourthly, regarding the relation of the newer immigrants of the "objectionable class" to politics, it is claimed by Mr. Austin "that they are not, as a class, as dangerous an element in politics as has been frequently asserted." To confirm this view, statistics are given to show that the recent immigrants from southern and eastern Europe have not, as a whole, become naturalized to any great extent, and hence do not exert a bad political influence, because they do not vote. This is a curious argument, from an American point of view: that there is no objection to having a large number of immigrants of certain races in our population as long as these people do not vote. Can that be a very desirable class of immigrants which we are anxious to have remain outside the body politic? The fact that many electoral votes against free silver in 1896 came from States having a large number of foreign-born voters is not an argument against the further restriction of the immigration of races least closely allied to us, for these foreign-born voters were almost altogether from northern and western Europe, the others, as Mr. Austin himself points out, not generally being naturalized.

Mr. Austin's last conclusion is "that they are an important factor in the development and wealth-producing power of the country," and this conclusion he supports by means of statistics showing that in the States having a large proportion of foreigners there has been a very great production of wealth. No one can, or would, deny the fact that recent immigrants have contributed to the wealth of the country, but to argue from bare statistics that, because these States have witnessed a very large production of wealth, therefore the "new" immigration should be allowed to continue practically as at present, is rather illogical. Cheap labor is usually considered by the capitalist to be an advantage, and large employers of labor have always used their influence in Congress to ward off impending immigration legislation. But, as Mr. Edward T. Devine, Secretary of the Charity Organization Society of New York, has recently well said:

"While it is true that cheap labor may be profitable from the employer's point of view, it does not follow that those who are considering the interests of the community as a whole can look with favor upon

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it. . . . The effect of utilizing underpaid immigrant labor under conditions which, in order to afford a living at all, make excessive demands upon adult men, and lead irresistibly to the employment of women and children, is directly to increase the number who sooner or later require relief. . . . The plain tendency is to augment the number of those who break down prematurely; of those who in advanced years have made no provision for their own maintenance; of the children whose support must be supplied by others than their own parents, and of those who, meeting with unexpected misfortunes of any kind, have no resources except the generosity of strangers."

In other words, labor which is economically "cheap" is not socially "cheap." Concerning the character of much of our present immigration we have the testimony of the Commissioner of Immigration at New York, one of the most efficient, capable and honest officers who have ever been in the Government service, who holds that "capital cannot, and would not if it could, employ much of the alien material that annually passes through Ellis Island." These people "are neither physically nor mentally fitted to go to the undeveloped parts of our country."

"At least 200,000 (and probably more) aliens came in (last year) who, although they may be able to earn a living, yet are not wanted, will be of no benefit to the country, and will, on the contrary, be a detriment, because their presence will tend to lower our standards; and if these 200,000 persons could have been induced to stay at home, nobody, not even those clamoring for more labor, would have missed them. Their coming has been of benefit chiefly, if not only, to the transportation companies which brought them here."

The writer is not a believer in the total prohibition of immigration, nor even in a large measure of restriction; he realizes that good immigration always has been and always will be an advantage to this country; he does not for a moment wish to appear as opposing Italian immigration, or Jewish immigration, or Hungarian immigration as a whole; he has come into too close contact with many of our newer immigrants to have failed to see the many excellent qualities which distinguish large numbers of these people. He merely wishes to present, for the consideration of the readers of the REVIEW, the other side of the conclusions which Mr. Austin has reached. He feels that any one who makes a thorough study of the whole immigration problem,—not of a few alien families in one city only—without the prejudice of mere sentiment or of selfish and pecuniary interests, and who looks to the future

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rather than at the present, must reach the conclusion that some reduction in the volume of immigration is necessary, if American standards of living, and American ideals generally, are to be maintained for all time. This reduction may be accomplished by means of a law limiting the number of immigrants from different countries who shall come here each year, as has been suggested by Congressman Robert Adams, Jr., of Pennsylvania; or, less arbitrarily, by means of the illiteracy test, which has the support of President Roosevelt, of the Commissioner of Immigration, and of a large majority of those who have given the subject serious thought. This test is in line with our ideas of universal education; will enormously stimulate the demand for popular education in Europe; will reduce the number of immigrants to a volume which there is some possibility of our being able to assimilate; will, with reasonable exceptions to prevent the separation of families, admit those only who, possessing the rudiments of an education, will certainly have a valuable asset in the struggle for existence.

After all, the fundamental question which underlies everything else in this immigration problem has not even been alluded to in Mr. Austin's article. No statistical study of immigration can ever be complete because there is one element, more important than all the others, concerning which no statistics can ever be compiled. That element is the number of American children who, because of the pressure of foreign immigration, *have never been born*. Back of all statistics of the criminality, pauperism, assimilation, illiteracy, naturalization and economic value of immigrants, lies the great question of the effect of immigration upon our native, or older, stock. No discussion of this question can be at all complete which leaves this out of consideration. The immigration of the last fifty years has contributed millions to our population; has undoubtedly added enormously to the wealth of the country, but these things have been accomplished at the expense of the native stock. The decreasing birth-rate of our native population, the complex resultant, without doubt, of many factors, has been very largely due to the effect of foreign immigration. The late General Walker first advanced this view; that, as newer and lower classes of immigrants came to this country, Americans shrank more and more from the industrial competition which was thus forced upon them; they became unwilling to subject their

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sons and daughters to this competition, and *hence these sons and daughters were never born.* The stronger the competition, the greater the effort to maintain and raise the standard of living and the social position above that of the majority of recent immigrants; and the greater this effort, the greater the voluntary check to population. This competition is most serious in its consequences when it is due to the immigration of races which are able and content to live under wholly inferior conditions, and when this immigration continually feeds the lower strata of the population, however rapidly the intermediate strata may be raised in their standards of living. The question is a race question, pure and simple. Many of our recent immigrants, not discouraged by the problem of maintaining high standards of living with their many children, are replacing native Americans. It is fundamentally a question as to what kind of babies shall be born; it is a question as to what races shall dominate in this country. The American birth-rate is decreasing. Mr. R. R. Kuczynski, after a very careful study of the population statistics of Massachusetts, concludes that the native population is dying out. General Walker believed that foreign immigration into this country has, from the time it assumed large proportions, not reinforced our population, but replaced it. The United States Industrial Commission, which made one of the most thorough studies of immigration ever undertaken, says in its Final Report that "it is a hasty assumption which holds that immigration during the nineteenth century has increased the total population." In his new book, "The Slav Invasion and the Mine Workers," Dr. P. J. Warne says that the coming of the Slavs into the mining districts of Pennsylvania since 1880 has determined the number of births in the older, English-speaking portion of the population. More recently still, Mr. Henry Gannett, well known for his statistical work in connection with the Census, in a hitherto unpublished statement, says:

> "I do not think that our population has been materially, if at all, increased by immigration. On the contrary, I think that our population would be almost, if not quite, as numerous if the great flood of immigration which began in 1847 had never reached our shores."

Mr. Gannett believes that the mixture of our blood with that of Germany, Ireland and Scandinavia has been an advantage, but he

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also believes that a mixture with the blood of the "new" immigration "can have only a bad effect." Finally, in a recent article, Mr. Robert Hunter, of the University Settlement in New York, puts the case very clearly as follows:

"The fathers and mothers of the American children can be chosen, and it is in the power of Congress to decide upon what merits. . . . No nation has ever had a social responsibility of greater magnitude. The future of American society, industry, religious faith, political institutions, may be decided in a way quite marvellous by the governing powers of this country. The worst aspect of the whole matter is that the selfish forces interested in promoting immigration in every conceivable way, are deciding all these questions for us. The ones who come and the numbers who come depend largely upon the steamship companies. Whether we have more Hungarians than Italians, or Syrians than Greeks, or Scandinavians than Slavs, depends to a very large extent upon their ports, their passage rates and their success in advertising and soliciting. . . . I believe that this country may be ruined by leaving the volume and quality of immigration almost entirely to the decision of the steamship companies. . . . The skill of their agents decides whether we shall have one race or another come in great masses to our shores. . . . If we let the steamship companies and the railroads, wanting cheap labor, alone, we shall not decide what immigrants will be better for coming, and what ones the country needs. They will decide it for us. . . . Our governing bodies . . . in the past . . . have failed to consider the welfare of the people, either immigrants or Americans. The decision has been made as a result of pressure brought to bear upon public officials by private and selfish interests. Our national characteristics may be changed; our love of freedom, our religion, our inventive faculties, our standard of life. All of the things, in fact, for which America has been more or less distinctive among the nations, may be entirely altered. Our race may be supplanted by another, by an Asiatic one, for instance, and not because it is better so, nor because it is for the world's good. On the contrary, it is in order that individuals interested in steamships may be benefited, and in order that employers may have cheaper labor. These selfish forces may be disguised, but they are there."

ROBERT DEC. WARD.

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BRITISH SHIPPING AND THE STATE.

BY BENJAMIN TAYLOR.

THE relations of the State to Shipping have been brought into the forefront of public discussion in Great Britain by the contracts between the Government and the Cunard Company, and the Morgan Shipping Combine; and in the United States by the revival of the proposal for a system either of State subsidies or of preferential duties on goods imported in American bottoms. In the NORTH AMERICAN REVIEW for October, 1903, Mr. E. T. Chamberlain, United States Commissioner of Navigation, refers to the two agreements with the Cunard Company and the International Mercantile Marine Company, as "two masterpieces of British business-statesmanship." They are not so regarded in Great Britain, but rather as examples of legislation in a panic. Mr. Chamberlain is perfectly right in saying that the contract with the Cunard Company may be regarded as the sequence of the Morgan merger. But he is surely wrong in thinking that "the new Cunard contract will undoubtedly convince many Americans that again we ought to give up the ocean steamship business and devote ourselves to farming and the manufacture of sewing-machines, tin-plates and other industries for which we have a natural or acquired aptitude." The more likely is it that the contract will "convince another considerable portion of the American public that more than ever the United States should make a respectable showing on salt water."

But the contracts between the British Government and the Cunard Company and the Morgan Company, will have no effect either on the maritime supremacy of Great Britain or in retarding the maritime development of America. As the present writer has already pointed out in the pages of this REVIEW it is not with subsidized liners that British supremacy lies, but with the indus-

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trious and legislatively-snubbed cargo "tramps," who perform eighty per cent. of the world's carrying-trade. And as to the International Mercantile Marine Company, the writer may be permitted to recall what he said on that occasion:

> "As a deal the Morgan merger neither increases the mercantile marine of America nor diminishes that of Britain. It may or may not be a good speculation, but that is another question. It does not affect either British ship-owners or British ship-builders, who are as ready to own and to build vessels to suit the conditions of the times as they always have been and always will be."

It is still the case, and I hope it always will be, that the ship-owners of Great Britain do not ask for bounties or doles. They want less, not more, of State interference in the management of their business, and they do not want State funds at all for the promotion of that business. They laugh at the idea that subsidies have, or have had any effect whatever in placing them at the top of the world's sea-carriers. But, while this is so, the fact remains that the State has duties to its shipping which cannot be neglected, in the case of a maritime country like Britain, without serious national danger. It is not enough for a State to create a Maritime Department in its Ministry of Trade and Commerce to tyrannize over ship-owners, and to lay obligations on its own shipping which cannot be enforced on the shipping of other nations. It is not enough to strike an arbitrary load-line, to order the employment of specific life-saving appliances, to lay down strict regulations for the maintenance and treatment of the crews, etc. The Departmental mistake is made of regarding the espionage of ships as equivalent to the national care of shipping. It is not. The old Navigation Laws of Great Britain were too easily abandoned in 1849, without sufficient thought of the future. When we repealed these laws, we threw open our whole coasting-trade and our whole inter-Imperial sea-carrying trade to the ships of all nations, whether these nations admitted our ships to their own corresponding trades or not. It is scarcely necessary to ask American readers if that was wise. It is not here contended that the Navigation Laws were just and desirable as they stood. They had grown with the centuries, and had become encrusted with age. But, such as they were, they were a weapon in our hands for the cultivation of reciprocal relations with other maritime

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countries. We threw away that weapon, and America sailed into our Colonial trade with those magnificent old-time clippers that it took us such a long while to beat. America did not reciprocate, and, down to the eve of the Civil War, was very nearly our equal in maritime efficiency. But for that war, and the subsequent evolution of the iron ship, we might have only occupied second place for many a year, if not for all time. As it happened, after the abrogation of the Navigation Laws a succession of incidents gave an impetus to our merchant shipping that has been erroneously supposed to be entirely the effect of the repeal of these laws.

The Bill for the repeal of the Navigation Laws was passed on June 25th, 1849, and the coasting-trade of the United Kingdom was in 1854 unconditionally thrown open to the vessels of all nations. The historian of merchant shipping, W. S. Lindsay, thus notes the event:

"The actual repeal of the Navigation Laws having in the summer of 1849 become an accomplished fact, the consternation among all classes connected with British shipping was almost universal, mingled with feelings of curiosity and doubt as to the course which the Americans would now adopt. These doubts, however, were soon removed by a prompt notification of the Government of the United States, issued on the 15th October, 1849, honestly and boldly putting the law of 1828 in motion, but *retaining the coasting trade of that country in all its integrity;* and to this day they decline, on alleged constitutional grounds, to consider the voyage from New York to California as in any respect different from the voyage between New York and Baltimore, or in any way resembling the trade between London and the Cape of Good Hope or Australia, though in both cases alike the voyage can only be made by passing the coasts of foreign nations."

Lindsay wrote thus in 1876, and to the present day America makes the same reservation, with the addition of the trade between the ports of the United States and her oversea territories in Puerto Rico, Alaska, and Hawaii. The Philippines are meanwhile open, because, under the Hispano-American Treaty of Peace, Spanish vessels have the same rights as American vessels in Philippine ports until 1909, and assurance has been given that British shipping will not be less favorably treated than Spanish. But, after 1909, the trade between the United States and the Philippines will, doubtless, be reserved to the vessels of the Federal Union. So wide an extension of the term "coastal

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trade" may not be more extravagant than the reservation of the trade round the coasts of two continents and through the waters of a dozen foreign Powers, but it more directly challenges comparison with such British-Imperial trade as that between say, Montreal and Cape Town, which Britain leaves American vessels at perfect liberty to engage in. It is true that American vessels take no part in the coasting-trade of the United Kingdom, though it is open to them; but America has now become an extra-continental nation and aims at becoming a great Maritime Power.

It was not the repeal of the Navigation Laws that gave Great Britain the lead; but, with the spring of 1852, as Lindsay reminds us, brighter days dawned for the British ship-owner. He could then obtain a moderate remuneration on his capital, and there was even an actual scarcity of tonnage by 1854. Freights rose; we had hesitated to increase the number of our ships, whilst foreigners, with the exception of the Americans, had refrained from rushing largely into the trade we had opened for them. So it came to pass there was hardly tonnage enough to meet the increasing requirements of commerce, still less to satisfy the sudden demand which arose, in 1854, on the outbreak of the Crimean War; vessels could not then be found in sufficient numbers for the transport and supply purposes of the allied armies, nor was there a sufficient supply of British seamen to man our war-ships. It was at that time Government threw open our coasting-trade and repealed the once famous manning clause, which, however, "neither increased on the average the number of foreigners we had hitherto been allowed to employ in our ships, nor deteriorated the number and quality of British seamen, though aiding at the time the more expeditious equipment of our fleets." New trades were opened up by the discovery of gold in California and in Australia. A great tide of emigration began to flow from Europe to America, and again to the South Seas. America lost her share in these trades by the Civil War, and was prevented by her own Navigation Laws from recovering it. Then the change from wood to iron, before she became an iron producer, threw her out of the race as a ship-builder.

With regard to the duties of the State, let us recall what Adam Smith wrote:

"There seem to be two cases in which it will be advantageous to lay some burden upon foreign for the encouragement of domestic industry.

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The first is, when some particular sort of industry is necessary for the defence of the country. The defence of Great Britain, for example, depends very much upon the number of its sailors and shipping. The Act of Navigation, therefore, very properly endeavors to give the sailors and shipping of Great Britain the monopoly of the trade of their own country, in some cases by absolute prohibition and in others by heavy burdens upon the shipping of other countries."

Adam Smith contended that, as defence was of more importance than opulence, the Navigation Act was one of the wisest of all the commercial regulations of the country.

Said Mr. E. T. Chamberlain in this REVIEW:

"American acquisition of the control of four of the largest, most modern, most profitable and best equipped British lines of transatlantic steamers, the White Star, Atlantic Transport, Leyland, and Dominion lines, owning over 100 steamers aggregating 900,000 tons gross register, was politically more important, both to the United States and to the United Kingdom, than it was economically. It was regarded with concern by sober-minded Britons, not so much for itself, when all the facts became known, as for what it seemed to foretell. It indicated that accumulated American wealth was beginning to seek outlet for investment on the sea, that it was following the line on which it would encounter the least resistance from governmental regulation or national sentiment, and that this line led into the bulwarks of Great Britain's political and commercial strength, her mercantile marine."

Well, those sober-minded Britons who were concerned at the Morgan merger have become rather ashamed at the unnecessary feeling they displayed. The merger is more likely to dissipate than add to the accumulation of American wealth, and it is not in any degree (so far as one can judge) inciting other Americans to put their accumulated wealth into shipping. But, as a matter of fact, they were not all British lines or British vessels that were acquired by the International Mercantile Marine Company. With the exception of the White Star line, they were practically all American vessels, though sailed under the British and Belgian flags. The political importance of the merger has been in recalling to the attention of the people of Great Britain the duties they owe to the maritime industry, upon which their national prosperity depends.

Is it one of these duties to allow an alien Corporation to use the shelter of the British flag under which to compete with British shipping? Commissioner Chamberlain has written: "the build-

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ing of steamers at home (*i. e.*, in the United States) was impracticable, because they cost more here for several reasons than when built abroad, and once built it costs more to maintain and operate them." But there is nothing in the composition of the Morgan merger which can be supposed to be an influence towards the resuscitation of American shipping.

The present writer was never one of those who regarded this combination with alarm, or who objected to American capitalists buying as many British vessels as they have a mind to and the cash for. What he did and does object to is, that under the shelter of the Companies Act, the principles and policy of the Merchant Shipping Act are set aside. The country has decreed that no vessel shall be entitled to such privileges as belong to a British vessel, to the British register and to the British flag, unless wholly owned by British subjects, natural born or naturalized. It has also decreed that no Corporations shall be the registered owners of British ships, unless "established under and subject to the laws of some parts of His Majesty's dominions, and having their principal place of business in those dominions." Such are the regulations which the British State has made for the ownership of British vessels. But it has made no regulation for the ownership of the shares in a British Company, registered as the owner of a British vessel. Mr. J. Pierpont Morgan cannot as an individual own the "Celtic" and the other White Star boats under the British flag, but he can own a Company which acquires 742 of the 750 shares of the Company registered as the owner of these vessels. Would America allow her Navigation Laws to be thus travestied?

Now, as to the agreement of August last between the British Government and the International Mercantile Marine Association, which Commissioner Chamberlain regards as a declaration of British maritime policy against the extension of American influence in the ocean-carrying trade, it is to the following effect:

"(1) The British companies included in the Association shall, so long as the stipulations on their part and on the part of the American company hereinafter contained are duly observed, continue to be treated as heretofore on the same footing of general equality with other British companies in respect of any services—naval, military, or postal—which His Majesty's Government may desire to have rendered by the British Mercantile Marine, provided that nothing in this agreement contained shall extend to vessels of uncommercial speed which His Majesty's Gov-

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ernment may specially require to be constructed, and which are primarily designed for service in time of war. And these presents also witness that in consideration of the undertaking hereinbefore contained on the part of the parties hereto of the first part, the American company and the British companies included in the Association hereby agree as follows: (2) The British companies included in the Association shall be, and continue to be, British companies qualified to own British ships, and a majority at least of their directors shall be British subjects. (3) No British ship in the Association, nor any ship which may hereafter be built or otherwise acquired for any British company included in the Association, shall be transferred to a foreign registry (without the written consent of the President of the Board of Trade, which shall not be unreasonably withheld), nor be nor remain upon a foreign registry. Nothing shall be otherwise done whereby any such ship would lose its British registry or its right to fly the British flag. (4) British ships in the Association, and ships that may hereafter be built or otherwise acquired for any British company included in the Association, shall be officered by British subjects; and, as regards their crews, shall carry the same proportional number of British sailors of all classes as His Majesty's Government may prescribe or arrange for in the case of any other British line engaged in the same trade. (5) Subject to the existing agreement between the Admiralty and the Oceanic Steam Navigation Company (Limited), and without prejudice to the provisions therein contained, the American company and any British company included in the Association shall sell or let on hire at any time during the continuance of this agreement to the Admiralty, when required so to do by the Admiralty, any British ship in the Association, and any ship hereafter to be built or otherwise acquired for any British company included in the Association, which the Admiralty may from time to time select. The terms of purchase or hire, if not otherwise agreed on, shall be similar to those contained in the existing agreement aforesaid."

This reads bravely, but it is in point of fact valueless. The so-called British companies are actually American in ownership and control, and their ships are not "British ships" in the true sense of the word. This agreement just legalizes a breach of the Merchant Shipping Act, and it is no advantage to British shipping that it forbids the transfer of any of the Combine's vessels now under the British flag to any foreign registry without the consent of the British Government. Mr. Morgan cannot, if he would, transfer these vessels to the American registry, and there is no registry he could find to be preferred to the British. As to the privilege to "sell, let or hire" to the Admiralty if and when required, why the Admiralty has always the privilege to buy or charter any vessels it may want at any time, without any pre-

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paratory contracts or Acts of Parliament. This contract for twenty years with the Morgan Combine is not worth to the British Government the paper on which it is written, and the value of it to the Morgan Combine may be inferred from the fact that the Admiralty subventions which the White Star boats at present receive as "merchant cruisers" will terminate in another year or so. When the Combine was formed and the contract was negotiated, it was not known that the British Government intended to abandon the system of subsidizing merchant steamers for future possible war service, a system upon which many fallacious arguments have been based by American writers.

The contract between the British Government and the International Mercantile Marine Company is not regarded with any favor in British shipping circles, and it is merely accepted in political circles as the unnecessary consequence of the irrational spasm caused by the formation of the Morgan Combine. It is not to be overlooked that the American-owned vessels in this combination are thus officially licensed by the British Government to enter into competition with British vessels in the British and British-Colonial coasting-trade. By the Admiralty subvention, they positively receive the assistance of British State money in order to compete with British private shipping. And surely that is not a reasonable situation in the relations between Shipping and the State.

It is otherwise with the contract between the Government and the Cunard Company, which may or may not have been necessary in the circumstances, and which may or may not be an advantageous one to the Company, but which is certainly justifiable on national grounds. In the opinion of those who are charged with the administration of the affairs of Great Britain, and who have to watch over and safeguard its far-reaching Imperial interests, it is necessary to have at the call of the Government merchant steamers of a certain efficiency, capable of outsailing any other merchant steamers afloat. A Committee of Inquiry has, after thorough examination, declared that such vessels cannot be constructed and maintained in the desired state of efficiency at a commercial profit. The Government have, therefore, concluded with the Cunard Company a working agreement, or to some extent a partnership in which one partner (the Government) advances the capital but does not share in either the profits or the

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losses. The British Government acquires a control over all the steamships of the Cunard Company running between Liverpool and New York, Boston, the Mediterranean ports, and Havre. The company undertake to build two additional vessels for their Liverpool and New York service. These two steamships will be of the largest size, and are to have a speed of from 24 to 25 knots per hour. They are, along with the company's other vessels, to be at the disposal of the Admiralty for hire or purchase, but in normal times they are to be used for rapid mail-service and for passenger-traffic. The company's lines are to be maintained under the British flag and British management, with no undue increase in the freights or charges for the carriage of goods, and no undue preference as against British subjects. The masters, officers and engineers in charge of the vessel are always to be British subjects, and at least three-fourths of the crew must be British subjects. All certificated officers other than engineers, and not less than half the crews, must belong to the Royal Naval Reserve or the Royal Naval Fleet Reserve. The company are not to sell any of their vessels of the speed of 17 knots or upwards without the consent of the Government. The monetary consideration for these concessions includes a payment by the Government to the company of £150,000 a year. In addition to this annual subsidy the Government are to lend to the Company a sum not exceeding £2,600,000 at 2¾ per cent., to pay for the construction of the two new vessels. This loan, which is to be repaid by the company in twenty annual instalments, ranks as a first charge upon the whole of the Cunard fleet, and will be secured by Debentures. The present Cunard fleet consists of 17 vessels, with a total tonnage of 110,782 tons and a value of close upon £2,000,000, sterling. The trustees for the Debenture-holders are Sir Francis Hopwood, permanent Secretary of the Board of Trade, on behalf of the Government; Lord Inverclyde, for the Cunard Company; and Lord Revelstoke, who is elected by his two colleagues. The company are also to issue to two nominees of the Government such voting power as will prevent the passing of any special resolution by the shareholders in violation of the terms of the present agreement. The Cunard Company undertake to give a weekly American mail-service by its fastest vessels, for which the postal subsidy at present payable to them will be increased to £68,000 a year.

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The condition as to the Government's share in the Company is thus worded:

"The company shall, as soon as the articles of association of the company shall have been altered as aforesaid, issue to two nominees of His Majesty's Government one £20 share of the company, carrying the same voting power and other rights and privileges as an ordinary £20 share of the company, but for the purpose of demanding a poll in respect of and voting against any special resolution involving any alteration of the company's articles of association, so far as respects the provisions referred to in clause 2 hereof and the second schedule hereto; also carrying the following additional rights and privileges, that is to say (*a*) the right to demand a poll upon the occasion of any such special resolution as aforesaid; and (*b*) the right to give against any such special resolution, as aforesaid, additional votes equal in number to one-fourth of the number of votes possessed by the company's share, stock or debenture holders for the time being."

There is no mystery about this. It is all quite plain and above board. It was perfectly proper in the circumstances, and after the Morgan merger, to make the conditions about British ownership, management and manning. The subvention may or may not be sufficient to pay the interest on the money loaned. But that is not the object of it, and the vessels may be worked at a dead loss over and above the subsidy. The amount to be paid annually by the Government for the call of the two ships and their colleagues in the fleet is just what the Admiralty Committee on Merchant Cruisers reported would be necessary to remunerate only *one* vessel of the size and speed of these new Cunarders.

When the Cunard contract was before Parliament it was quite successfully maintained that there was no inconsistency between abandoning the old policy of subsidies as announced and adopting this particular new one. The new policy was adopted to meet a new and special need. It was admitted that the Cunard agreement had a direct connection with the Morgan Combine. If the Government had not stepped in, it was urged, the Cunard Company might have been forced into the American Association. But the American Association had nothing to do with the necessity of having some fast merchant cruisers available for the needs of the navy. The Admiralty found that there were in existence at least two — and there were being built two more — steamers which, from their speed and the enormous amount of coal which they could carry, could not possibly be caught by any cruiser in

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the British navy. The Admiralty were unanimously of opinion that a remedy must be found. It was just then that the Morgan Combination was made public, and the Admiralty determined to take action on the cheapest method that could be adopted. Shipowners do not think that the Cunard Company has got more than a fair bargain, and certainly neither the Cunard nor any other company would, for commercial reasons, have dreamed of building such ships as the two now arranged for. Indeed, so astute a critic of Admiralty affairs as Sir William Allan has frankly expressed the opinion that the Government has got the best of the bargain. The simple justification for the agreement is that very swift steamers are needed for British maritime interests, and that very swift steamers do not pay. By means of this subvention the Admiralty will obtain all the services that the desiderated cruisers will provide at (they contend) less cost than by building for naval purposes only. The whole of what the Admiralty want cannot be obtained commercially, but nine-tenths of it are by this agreement obtained commercially and the other tenth is provided by the nation as a military contribution. This is the simple essence of the arrangement. But it will not increase the maritime trade of Great Britain: it may land both the Company and the Government in eventual loss: and, while quite in harmony with the Merchant Shipping laws, it is opposed to the principle of the other agreement between the British Government and the Morgan Combine.

What I wish to make clear is, that this subvention under the new contract with the Cunard Company is in no sense a shipping subsidy such as France has, and as some Americans desire for the encouragement and sustenance of a mercantile marine. The Cunard agreement is a legitimate national undertaking, which may or may not have large national issues, but not in the way of the development of shipping.

The objection of the "tramp" owner to subsidies is often quoted, but as a matter of fact he does not need them, because with cheap ships and cheaper handling he can beat the American, his only possible rival. The German has more profitable fields of employment away from the Atlantic. But for the Morgan Combine there would have been no Cunard subsidy, nor perhaps an Admiralty inquiry into the question of merchant cruisers. The process which culminated in the Morgan Company was not

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so sudden as has been supposed. When the purchase of the Leyland Line was completed by Mr. Morgan, there were no fewer than 136 American-owned steamers, of 672,455 tons gross, sailing under foreign flags. Mr. Gage said, when the Frye-Hanna Subsidy Bill was in evidence, that "the problem of improved transportation facilities to foreign markets is of greater importance to the inland-producing States of the Union than to the seaboard commercial cities." The rapid expansion of the foreign trade of America helped to give the great railroads of America a commanding position on the Atlantic. A steamship-line or two, if it promotes the efficiency of these systems, is part of their economy. The reason of such large registration of American shipping under foreign flags is, no doubt, because the proceeding pays. The cause is that the cost of substituting for the present "Combine" fleet American-built and American-manned vessels would be a halfpenny per gross ton per 100 nautical miles. The basis of this estimate is to be found in the returns of the Bureau of Shipping at Washington. The American ship-builder probably hates the idea of "free ships," as much as does the Steel Trust and the existing shipping companies. The shipping problem for Britain, however, is not on the Atlantic alone, but on those other and broader seas which separate the wide-spread branches of the British Empire.

In a Cobden Club leaflet on Shipping Subsidies, Sir Spencer Walpole says:

"It is, perhaps, a consciousness of the hopeless nature of the policy of subsidies that is inducing the Protectionists to suggest another and more drastic remedy. They wish to confine trade between British ports—the coasting-trade, as they are pleased to term it—to British bottoms. They seem to forget that there are two interests vitally concerned in the matter: (1) the shipping interest, naturally in favor of dear freights: (2) the manufacturing interest, equally naturally desiring cheap freights. The manufacturing interest secures its object by the existence of competition. The shipping interest would have the manufacturers at their mercy if competition was withdrawn. Men in India, for example, already complain that a great line of steamers has secured too much of a monopoly of the Eastern trade. How greatly would those complaints increase if the Peninsular and Oriental Company was no longer subject to the competition of the French Messageries and the North German Lloyd, by foreign vessels being prohibited from trading with British goods to British ports! There is a still more decisive objection, moreover, to the proposal. The interest of this country is obviously

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founded on the policy of the open door. And men of all parties are virtually agreed that Lord Salisbury was right in urging that the relations of Europe with the East should be based on this arrangement. It is manifest, however, that we cannot have two different things at the same time. We cannot have the policy of the open door in China, and of the closed door throughout the British Empire. We must choose between the one and the other. Can any reasonable person doubt on which side our choice must lie?"

Here, however, are numerous fallacies. The coasting-trade—"as they are pleased to call it"—concerns much more than the rival interests of ship-owners and manufacturers. The reservation of the coasting-trade by America, Russia and (to some extent) France, is in point of fact a large and liberal subsidy to the merchant shipping of each of these countries. It is perfectly right that each country should reserve its own trade for its own ships if it thinks proper; and it is perfectly true that few foreign vessels engage in the coasting-trade of the United Kingdom. But it is not right that any country which reserves its own coastal trade should have at command the coastal trade of other countries: and the real coastal trade of the British Empire is that between all its widely separated members.

At the 1902 Conference of Colonial Premiers in London the following resolution on the coasting-trade was proposed by the Government of New Zealand:

"That in view of the application of the coasting laws of the United States, and of other nations, the time has arrived for negotiations to be opened with a view to removal or modification of restrictions on British trade, failing which the Imperial Government should take steps to protect the trade of the Empire by passing a law declaring that the Colonies and Dependencies shall come within similar coasting laws."

The matter was fully considered by the Conference, especially in regard to its bearing on our Treaties of Commerce and Navigation with certain foreign countries, and the decision of the Conference was expressed in the following resolution:

"That it is desirable that the attention of the Governments of the Colonies and the United Kingdom should be called to the present state of the navigation laws in the Empire and in other countries, and to the advisability of refusing the privileges of coastwise trade, including trade between the Mother Country and its Colonies and Possessions, and between one Colony or Possession and another, to countries in which the

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corresponding trade is confined to ships of their own nationality, and also to the laws affecting shipping with a view of seeing whether any other steps should be taken to promote Imperial trade in British vessels."

There is now in Great Britain a gathering force of public opinion in favor of making the terms of these resolutions effective.

The point which is coming up for deliberation and decision with regard to the relations of the British State to its shipping, then, is not whether or not we shall subsidize, but how we shall bring about fair dealing by neutralizing the subsidies of other nations. Our ship-owners do not want bounties; they want fair play. And that they do not get, even from their own government. They want to be relieved of the disabilities from which foreign ship-owners are free, and they desire that all shipping entering British ports shall submit to the same regulations as British vessels are subject to. And this the State can do by legislation, and by negotiation with other Maritime Powers. As to direct bounties given by foreign nations, there are two ways in which they may be dealt with—by excluding subsidized vessels altogether from British ports, or by imposing a duty equal to the subsidies they receive, on the principle of the countervailing duties on sugar. But that would not get rid of the great indirect bounties granted by those nations which reserve their own coastal trades while coming, or having the free way to come, with all their maritime force into the British coastal trade. And the coast-line of the British Empire is the largest in the world. Is it not the duty of the British State to close it to all who will not in turn admit British ships to their coastal trades?

BENJAMIN TAYLOR.

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THE DARK ROSALEEN.

BY HENRY W. NEVINSON.

THERE is in Ireland an intention of putting up a memorial to Clarence Mangan, if only money enough can be collected. Whether, in the present state of art, a monument is of any advantage to the world, and whether poets who boast of work more durable than bronze had not better be satisfied with that kind of durability—these are questions for artists. But there can be no doubt that, if any country ought to put up memorials to its poets, Ireland owes one to Clarence Mangan.

He was one of those peculiar plants of genius that produce only one perfect flower. He gave every promise of a poet, it is true. The sketch of him taken by Sir Frederick Burton as he lay dead in a Dublin hospital (whether he died of cholera or starvation is a nice point for discussion) shows a clear-cut face of great refinement and sensitiveness—a face like Schiller's, and having something in common with the faces of all lyric poets. We read of the brilliant and dreamy blue eyes, of the hair so abundant and so bright with gold before misery whitened it. His very dress was lyrical. The accounts left by his few friends, Gavan Duffy among them, all agree upon the steeple-crowned hat with its immense brim, the tightly-buttoned coat that had once been a kind of drab, the little blue cloak, hardly reaching to the waist, the baggy trousers made for someone better fed, and the enormous umbrella which he kept tucked under the cloak so that it looked like a bagpipe.

The apparition is poetic enough, and it seems never to have varied, except that under opium and drink it grew rather more spectral and dingy, till suddenly it vanished underground. In external circumstance also, Mangan enjoyed every poetic advantage. He was born poor and remained so; he was well-read; he was un-

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married; and he lived to forty-six. Nor was his genius hindered by lethargy, or indifference, or any over-scrupulous criticism of himself. He was, on the contrary, rather peculiarly fertile, and Mr. D. J. O'Donoghue, to whom we owe the new edition of his writings, as well as the biography published a few years ago, has discovered over 800 of his poems that appeared in print. So far from being barren, all his work shows the facility and exuberance of a man who writes with ease, and enjoys writing. There was nothing exiguous or stinted about him, and yet, though he was quite unaware of it himself, he reached high excellence only once.

His devoted admirers, of whom I am one, may bring up strong instances to the contrary. They may call to mind poems still familiar to the literary circle in Dublin, such as "O'Hussey's Ode to the Maguire," with its fine ending, so prophetic of De Wet:

"Hugh marched forth to the fight—I grieved to see him so depart;
And lo! to-night he wanders frozen, rain-drenched, sad, betrayed—
But the memory of the lime-white mansions his right hand hath laid
In ashes warms the hero's heart!"

Or they may call to mind the lament that, like the wood-pigeon, keeps asking, "Where, Oh, Kincora?" or the Turkish song of "Karaman," or the Arabic "Howling Song of Al-Mohara," or the personal sorrow of "The Nameless One":

"Him grant a grave to, ye pitying noble,
Deep in your bosoms! There let him dwell!
He, too, had tears for all souls in trouble,
Here and in hell."

Or they may call to mind the regret for the days of the "Barmecides," so productive of Irish parody; or the more genuine pathos of "Twenty Golden Years Ago," not unlike one of Béranger's smiling lamentations over lost youth:

"Wifeless, friendless, flagonless, alone,
Not quite bookless, though, unless I choose,
Left with nought to do, except to groan,
Not a soul to woo, except the Muse—
O! this, this is hard for *me* to bear,
Me, who whilom lived so much *en haut*,
Me, who broke hearts like chinaware
Twenty golden years ago."

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I will go further than other admirers, and add the "Lullaby," in which the rod of Moses, the diamond sceptre of Pan, and the Golden Fleece are mingled, in true Irish prodigality, with the glaive of O'Dunn, Diarmid's sword, and Queen Eofa's jewels, as the best possible gifts to keep the baby quiet:

> "And Conal's unpierceable shirt of mail,
> And the shield of Nish, the prince of the Gael,
> These twain for thee, my babe, shall I win,
> With the flashing spears of Achilles and Finn,
> Each high as a pine;
> O, hushaby, hushaby, child of mine!"

For such poems as these, Mangan would be remembered, as he is remembered, in any circle that made a special study of Ireland's literary spirit. Owing to that "Celtic Revival" which has been the one spiritual event of the last ten years, it is quite likely that some of them may appear in our recognized anthologies, and the name of Mangan will become familiar to the English child as one of poor, slovenly, drunken and incapable old Ireland's awful warnings.

By most people, even by admirers, the rest of Mangan's work will never be heard of again. Like all the Irish poets of his time, Mangan was much hampered, even in the use of words. They were writing a foreign language, and working on false models. For they had forgotten their own tongue, and the true power of English was hidden from them by the poetic artifice of their day. Take Mangan on his ordinary level, as in "The Geraldine's Daughter":

> "A beauty all stainless, a pearl of a maiden,
> Has plunged me in trouble, and wounded my heart;
> With sorrow and gloom is my soul overladen,
> An anguish is there that will never depart.

Any Irishman of sixty years ago could have gone on like that to the other side of Godspeed. And to me—perhaps to me alone—there is a certain attraction about that kind of verse, the attraction of a genuine, though slightly faded, gentility. It reminds me of the modest little houses which are still seen in the sweetly mouldering suburbs of Dublin, bearing on their gate-posts of corroded stucco the titles of "Talavera," "Khyber Pass," or

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"Maharajpore," to recall the poor, battered, old hero who so trustfully served the foreign and dominant race, and inscribed those proud titles as his sufficient reward. Over such gate-posts, such verses, the sensibility of forty years ago would have shed a tear; and still the angels give them a smile of passing recognition.

But in "The Dark Rosaleen" we have no time to think about forms and words. Critics may tell us there are echoes of a foreigner's English in it still. That does not matter now. The dawdlers in the suburbs of literature may drowse over such things if they please. They may debate with tepid industry whether it was Mangan or Poe who first invented the obvious characteristics of the metre. In "The Dark Rosaleen" we have passed beyond such things. We are borne away to a circle of passion from which tasteful criticism is seen fluttering with all its trumpery in the Paradise of Fools. The winds and stars are round us, and "red lightning lightens through the blood." We have passed into a world of nobler vision, where we behold Ireland incarnate again under the symbol of the Black Little Rose—the *Roisin Dubh*—just as she once appeared to Costello of Ballyhaunis, Red Hugh O'Donnell's wandering singer, who first made that song of such finely woven duplicity that the dull invaders never could be quite sure whether it sang of treason or of love. That early singer, in peril of his life, had said:

"Oh, little rose,
"Let there not be sorrow upon you for what has happened;
"The priests are coming over the waves, they are moving upon the sea.
"Your pardon will come from the Pope of Rome in the East,
"And Spanish wine will not be spared for my Dark Little Rose."*

It was from that verse that Mangan began:

"O my Dark Rosaleen,
Do not sigh, do not weep!
The priests are on the ocean green,
They march along the deep.
There's wine from the royal Pope
Upon the ocean green;
And Spanish ale shall give you hope,
My Dark Rosaleen!
My own Rosaleen!

* Slightly altered from Miss Guiney's translation of the Irish in her "Study of Mangan" (1897).

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Shall glad your heart, shall give you hope,
Shall give you health, and help, and hope,
My Dark Rosaleen."

The Gaelic poet, whose name is a shadow, went on:

"It was a long course over which I brought you from yesterday to this day.
Over mountains I went with you, and by sails across the sea,
The Erne I passed at a bound, though it was great with flood,
And there was music of strings on each side of me and my *Roisin Dubh*."

Then Mangan sings:

"Over hills and through dales
Have I roamed for your sake;
All yesterday I sailed with sails
On river and on lake.
The Erne at its highest flood
I dashed across unseen,
For there was lightning in my blood,
My Dark Rosaleen!
My own Rosaleen!
Oh! there was lightning in my blood,
Red lightning lightened through my blood,
My Dark Rosaleen!"

Intermingling the note of human love as though to lead the insensate enemy astray, Costello sings:

"I would walk the dew with you and the desert of the plains,
In the hope to win love from you, or part of my desire.
Sweet little mouth! you promised you have love for me.
Oh, she is the flower of Munster,
My Dark Little Rose!"

But from a further depth of passion comes Mangan's cry, and the ruler must be dull indeed to miss the rebel's devotion here:

"Over dews, over sands,
Will I fly for your weal:
Your holy delicate white hands
Shall girdle me with steel."

The figure of a country rises like a religious vision before some soldier-saint in a ruined chapel of the forest or among Irish hills. She is the Black Rose, the Secret Rose, holy as the Rose of Bethle-

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hem. The poet is enamored of her, as ancient citizens were enamored of a city, but it is with a passion how much more tender and profound! She is no imperial state, standing in white-columned security over the seas which her fleets command; but a sly and fugitive spirit, her beauty remains unseen by all except her worshippers. To strange eyes she looks a mournful and profitless thing. Full of sad memories, reviled and held up to derision, bound, tortured, and spat upon, called out to make sport with her wit, starved and driven through the earth, in turn half-strangled and cajoled as a pleasing strain for the nurseries of her tormentors, even to her lovers she takes the disguise of the Little Old Woman, the Kathleen na Houlihan, who sits uncomforted beside the world's highway, or crouches muttering over the peat-fires of her hearth, while under those worn rags, and under the disguise of that wrinkled skin, is hidden the pure form of that Dark Rose whose heart is the consecrated shrine of joy and sorrow:

"All day long, in unrest,
To and fro do I move.
The very soul within my breast
Is wasted for you, love!
The heart in my bosom faints
To think of you, my queen,
My life of life, my saint of saints,
My Dark Rosaleen!
My own Rosaleen!
To hear your sweet and sad complaints,
My life, my love, my saint of saints,
My Dark Rosaleen!"

The poem first appeared in "The Nation," the rebel newspaper of "Young Ireland." It was in 1846, perhaps the blackest year in the unbroken storm of Ireland's history since the Invasion. It may have been for that very reason that the "Dark Rosaleen" so far surpassed anything else that Mangan ever wrote. In the Introduction which John Mitchel, himself one of the greatest writers in "The Nation," prefixed to the selection from Mangan's poems which was published ten years after his death, we find a sentence which, perhaps, explains why it is that this poem stands alone and apart, as something in an utterly different rank of excellence, from the rest of Mangan's work. Mitchel speaks first of the poet's poverty-stricken and miserable life, of his shy and sensi-

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tive nature; "modestly craving nothing in the world but celestial, glorified life, seraphic love, and a throne among the immortal gods"; and then, as an explanation of his entire neglect by English critics, he adds:

"Mangan was not only an Irishman,—not only an Irish papist,—not only an Irish papist rebel;—but throughout his whole literary life of twenty years he never deigned to attorn to English criticism, never published a line in any English periodical, or through any English bookseller, never seemed to be aware that there was a British public to please. He was a rebel politically, and a rebel intellectually and spiritually,—a rebel with his whole heart and soul against the whole British spirit of the age."

It was because Mangan found in "The Dark Rosaleen" the fullest expression of that lifelong rebellion that the poem is on quite a different level to the rest of his work. In this alone he passed beyond the ordinary themes and exercises of poetic talent—the amorous addresses, the regrets for the past, the translations from foreign tongues, over which he wasted so much of his life. In nearly all his other verses, he is untrue to himself and only plays the common literary part. They are sometimes pretty, sometimes "literature," and they are never anything greater. But here he gathers up all the deepest forces of his nature, to give us, just for this once, the assurance of something more than a literary man. In this cry of rebellion, prompted by a devotion like a lover's, but more generous and of nobler mood, we find at last the essential spirit of the poet. He was a rebel with his whole heart and soul, says John Mitchel. And his rebellion was inspired by the vision of that sorrowful but endearing shape which was his country—that beggar queen, starving and glorified—that saint of saints, whose spirit shone in gleams of opal. Like himself, she was abused, ruined, and despised, but the light that burned in her heart, burned in his as well. So to her feet he brought his one great gift, and there he uttered the words which expressed the whole purpose of his scorned and distracted life:

"But yet will I rear your throne
Again in golden sheen;
'Tis you shall reign, shall reign alone,
My Dark Rosaleen!
My own Rosaleen!

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'Tis you shall have the golden throne,
'Tis you shall reign, and reign alone,
My Dark Rosaleen!

. . . . .

The Judgment Hour must first be nigh
Ere you can fade, ere you can die,
My Dark Rosaleen!"

The "British spirit," against which Mangan was a rebel, heart and soul, now calls this kind of passionate emotion "mere sentiment." That word "sentiment" has a history of some interest. It has seen better days. Once it was used to describe all the higher emotions; and, indeed, it has much the same meaning still, only that once it was used in praise, and now it is invariably used in scorn. I have watched the use of the word by our politicians, leader-writers, and business men for the last ten years, and I find that when they set something aside as "mere sentiment," they really mean that it cannot produce sixpence. The Bishop of Worcester, it is true, lately protested that even "sentiment" cannot always be safely disregarded, but he has not changed the use of the word. To describe a thing as "mere sentiment" is to assume it to be a natural object of indifference or contempt; and because no one was ever sixpence the better for any of the higher emotions, they are all included under the ban of the same word.

Since the British spirit inevitably, therefore, regards Mangan's passionate devotion as mere sentiment (for it never could produce sixpence), it is worth while to discover what that spirit thinks the natural and advantageous attitude towards the object of his adoration would be. And let us take the British spirit at its very best, as it is represented, for instance, every week by a newspaper which is the source of true culture to the thoughtful middle classes, and is by them justly regarded as moderate and reasonable in its judgments, besides being capable of forgiveness towards our defeated opponents, and of sympathetic tenderness to the lower animals. Such a newspaper certainly reveals the British spirit in the most intellectual and benevolent form, and it is in a spirit of exuberant benevolence that it comments as follows upon some visit of the King to Ireland:

"The Celtic Irish have never, owing to their want of minerals, been able to share fully in the solid wealth of Britain. Their island, though beautiful, has never attracted the sportsman and the tourist, who every

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year carry so large an income to the happy kingdom north of the Tweed, where even the foibles of the people are just the foibles Englishmen comprehend, and therefore forgive. . . .

"Much of all this it is impossible to alter, as impossible as to change a pasture into a mine by merely desiring the alteration; but something can be done which is worth doing. The Court can visit Ireland. . . .

"Crowds will flock where the King has found it pleasant to live, crowds whose wealth, if it does not exactly fertilize as a new trade would, still produces variety, excitement, a break in that melancholy monotony of which the Irishman through all his literature is so apt to complain, as one of the evils to which he is unjustly subjected."*

I wish the writer had explained exactly where in Irish literature he found the Irishman so apt to complain of that melancholy monotony. He says it is everywhere, and I suppose he must have instances by the score, all unknown to myself. But everyone will admit that in this passage we do find the British spirit in benevolent, healthy, and fullblown perfection. By this spirit we are taught to see a country's greatest happiness in coal-pits and iron foundries, or, failing them, in rich visitors who will convert the peasantry into gamekeepers, gillies, and caddies. And, next to pits or parasites, this exponent of the British spirit likes to see a Court, which he regards as a thing to be desired, not from any devotion to a noble line, or as an ideal of kingship, or as a symbol of respect for some great ruler, but because it would attract crowds "whose wealth, if it did not exactly fertilize as a new trade would, still produces variety, excitement, a break in that melancholy monotony"—and so on. Variety, excitement, and a break—these are the nearest approach to spiritual blessings which this typical writer can imagine; and even these, though the products of wealth, are only a kind of second-best, for the wealth of crowds attending the Court "does not exactly fertilize as a new trade would."

We have come a long way from Mangan's "Dark Rosaleen." We have come the immeasurable breadth of St. George's Channel. We have crossed to the sphere of the British spirit, and, from this English shore, the Dark Rosaleen certainly does look a little unlucrative. She is less fertilizing even than a Court, much less than a new trade. No one was ever sixpence the better on her account, except the police. How different things appear in this happy land, where there is always a tourist or a golfer in sight, if

* *The Spectator:* July 25, 1903.

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there is not a mine nor a factory! Here we see a real Court, and "crowds will flock where the King has found it pleasant to live." Here new trades fertilize on every side, and from ten thousand chimneys the clouds drop fatness. Here Comfort builds her shrine, and the law of the Golden Mean prevails, banishing the falsehood of extremes, and pointing to the example of our City Fathers to prove the desirability of "broadening slowly down." Here the wayward child of passionate devotion is suffocated at birth, and a "non-committal attitude" succeeds to all the wealth of prudential reservations. Here is the home of common sense; here the land of that British spirit against which Mangan was a rebel, heart and soul.

No one would deny the great advantages of such a spirit. To be sure, it is exposed to the drawback that, as a recent writer on English education has said, "common sense has never yet furnished motive powers for great objects,"* and great objects have counted for something in the world's history. But, apart from great objects, the British spirit can always pride itself with justice upon its sanity, its caution, its accomplishment of definite purposes by small degrees, its substantial prosperity, and entire freedom from the inexplicable sorrows and passions that rock the soul. These are blessings that Mangan never knew; they are beyond the reach of the Dark Rosaleen's worshippers, and probably he never realized how soothing is their influence upon the mind. Had he done so, he might have been tempted to abandon his rebellion, to make terms with the invader, and to seek the rewards which the British spirit undoubtedly can bestow upon its own children, and on all who follow its precepts.

That is the temptation to which we are all exposed. We all feel the attraction of the British spirit, and the blessings of Golden Mediocrity are very tangible. We like its definite aims, its general cheerfulness, its visible sweeps. It is not always that we can remain, like Mangan, rebels against it, heart and soul, and preserve an unshaken fealty to that Dark Rosaleen who is the Ireland of the spirit. Yet we know for certain that in all great enterprises—in the arts, love, war, and every important affair of life—the only part that counts is the part that exceeds moderation; the part that is sometimes called "passion" and sometimes "sentiment," that disregards worldly interests, has no personal aims, and sets no

* Mrs. Emily Crawford in "Victoria, Queen and Ruler."

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limits to its desire, admiration, or rage. "Prudence," said William Blake, "is a rich, ugly old maid, courted by Incapacity," and all who would remain true, like Mangan, to the Dark Queen of the soul must leave those wooers to the mediocre progeny likely to fill their well-appointed nurseries, while they themselves pursue the road into the austere land of excess. An austere land we may call it, for passion burns up all pretty adornments and signs of ease, so that, where she passes, the country is bare as a desert. But through it the adventurous road leads to the world's end, where laws shrivel up, and duty vanishes like an ineffectual ghost.

Men of any nation may thus become champions of the Dark Rose. For every soul is a disunited Kingdom of Great Britain and Ireland, nor is spiritual success to be won except by persistent rebellion against that predominant partner, which is the commonplace. When John Mitchel identified this partner with the British spirit, he was, perhaps, unnecessarily harsh. There is no need to bring the British spirit into the question at all, since, as we know from Goethe, the commonplace is always endeavoring to lay the bonds of its dominion on every one among us.

HENRY W. NEVINSON.

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THE FOLLY OF CHINESE EXCLUSION.

BY HUBERT HOWE BANCROFT, AUTHOR OF "THE HISTORY OF WESTERN NORTH AMERICA," ETC.

PRIOR to the discovery of gold in California, there were but few Chinese in America. Then the influence which penetrated every industry and every quarter of the globe aroused to activity the dormant energies even of the almond-eyed Celestial; and, among the five hundred vessels which lay anchored in San Francisco Bay during the winter of 1849, were seen a few junks of the Asiatic type, abandoned, like the more pretentious craft, by all save perhaps a solitary keeper. All the late occupants of this promiscuous shipping formed part of the inrushing fifty thousand, of every clime and color, that flitted restlessly about the Sierra foothills in search of large and immediate wealth. A hundred evanescent towns sprang up amidst hundreds of mining-camps, most of them dying before fairly drawing the breath of life. On the outskirts of these towns, or at a little distance from the mining-camps, with now and then a retired camp exclusively their own, were seen nests of Chinese in brush huts, the first of that hypothetical horde which, we were assured, was soon to overwhelm Christendom.

As every one knows, there was at this time no lawful government in California, Congress being engaged over the question of its admission as a slave State or a free State. It was a new and open wilderness, with none at hand to deny the right to any to enter and gather at pleasure. At first, no thought was given to this or any other right. But, presently, the American mind began to consider: "Is this gold, for which we fought in Mexico, to go without price or restriction to others the same as to ourselves?" To Englishmen, Frenchmen, and Germans, bluster was all that the American miners deemed it prudent at that time to

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offer; but Mexicans, or "greasers" as they were called, Italians or "Dagoes," Kanakas, negroes, and above all the mild-mannered man from China, the rightful owners of the soil did not hesitate to face with guns, and sometimes to kill. For, as naturally as water seeks a level, so men unrestrained by force of law seek some object weaker than themselves on which to vent their prejudices and passions. The Japanese, not having yet emerged from their chrysalis state, were not present in any considerable numbers; but Indians and Chinese afforded their masters easy and interesting exercise. It required evidence almost as palpable as finding the horns and hoofs of a "cow critter" within a mile of them to justify the extermination of an Indian *rancheria;* whereas the occupation of good diggings by Chinese was reason enough for driving them away with blows, or even with slaughter if they offered resistance.

The persecution of the Chinese has continued from that day to this, their good qualities as patient laborers — with economy, temperance, thrift, and inoffensiveness — being their chief and only crimes. Unable to hold rich claims beside their covetous masters, they betook themselves to gleaning from abandoned diggings, content with four dollars a day at first, and finally with one dollar, while other miners must have four times as much. The State passed laws for their expulsion, as soon as there was a State; and, when informed that the matter was one for the general Government alone to handle, the Sacramento Legislature imposed a foreign miner's tax of sixteen dollars a month at first, with a view to prohibiting the rewashing of tailings. As a rule, this tax was enforced only against the Chinese, white miners refusing to pay it.

With the exaltation of labor in the towns and cities, the cry became loud and vehement: "The Chinese must go!" It became the watchword of the press, and the plank in every political platform, for the Chinaman had no vote and he never read newspapers. It was not a question of principle, but of place. The facts of the case, the right or justice or fairness of it, had nothing to do with it. Any newspaper favoring the Chinese might close its doors; any politician even treating the subject fairly must step down and out. For so the other working-men decreed, American, Irish and Dagoes, French, Dutch and negroes, all who had a vote to sell. Anything black or white was proper

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material for American citizenship; yellow was the only off-color. But even the yellow race, with sage discrimination, is now divided, the Japanese being admitted, while the best working foreign element in the world, the least harmful to American politics and people, the much needed Chinese, are excluded.

From first to last, this has been the chief and only cause and front of their offending. They had no vote; they did not care to become American citizens; they wished only to work, earn a little money, go back home to China to enjoy it, and finally to die there. Charges were heaped up against them which seemed to satisfy Dennis Kearney and his sand-lotters, but were mere talk and twaddle to the unprejudiced, even the press and politicians, who used Asiatic and American alike for their own purposes, knowing them to be untrue, or at least irrelevant. "They will not amalgamate; they care not for our institutions; they take work from the white man; they do not spend their money here, but take it back to China."

A fair interpretation of which turns every charge into a mark of merit. They do not come here to meddle with what does not concern them, to interfere with and further degrade our politics by breeding corruption or holding office; they do not care for our learning, morals, or religion, having those which suit them better; if they take work from the white man, it is for the most part work which the white man does not want and will not do, ditch-making and drudgery. True, the Chinaman would be here in a thousand factories if we would let him, and so to a great extent we do without these fundamental industries of progress, preferring to let the Chinese and Japanese turn our cotton into cloth in their own countries after they have learned from us how to do it. Is this wise? Is it in the line of progress? Half of his earnings the Chinaman spends here; if he takes the other half of his well-earned dollar-a-day home to his wife and children, he leaves more than its value in substantial improvements. Do the others as much who carry off to Europe and squander there every year wealth for which they never labored, and which represents no accomplished work—more of it than all the laborers of Asia would carry away in return for their labor in a century?

One may go about for a whole decade without seeing a drunken or disorderly Chinaman. The Chinaman is seldom found in schools or hospitals supported at public expense. I can hardly

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imagine how one of them would look begging or soliciting, or insulting a woman on the street, or posing as a policeman, or running for Congress. The argument of the exclusionists, now becoming somewhat stale as its absurdity appears more and more apparent, that the Chinese will not become one of us, marry our daughters, manipulate our primaries, run for office and rule the country, is only an enumeration of reasons why they should be admitted to do the lower class of work which white men do not care to do.

True, some of the Celestials smoke opium, but so do white people in London; and this the Chinaman would not now be doing had not England forced her East-Indian product upon them, at the cannon's mouth, when they did not want it. Besides, white men everywhere drink whiskey, or its equivalent, and with ten times the evil effects which result from opium-smoking. Stoned and insulted on the streets of Christian cities of the American Republic, the Chinese pack themselves away in quarters of their own, which reek too often of vice and crime, but which are confined entirely to themselves. Have the cities of Christendom ever been free from such places, inhabited by other nationalities?

The truth is, these knights of the sand-lots do not, and never did, care to do the work for which we need the Chinaman. Organized labor does not even like country life and farm work. At one time, the California fruit-raisers' chief dependence was upon the Chinese, whose quick perceptions and deft fingers were superior in everything but the handling of horses. In picking and packing, in wineries, in canneries, as cooks and house servants, they were the best the country has ever had, better than the country can elsewhere obtain. When they were forbidden to come, the Japanese flocked in to take their place, but they do not fill it as well as it was filled before.

The Chinese were an important factor in the construction of the Panama Railway, and of the first overland railroad, without which assistance there would have been long and vexatious delays. They are the best force obtainable to-day for the vast irrigating dam-work and ditch-work in progress and in contemplation. In the reclamation of the Colorado and other deserts, their equals cannot be found. Next to the Jamaica negroes, and the natives of the Isthmus, who are better acclimated, they are the best and most available material for work on the Panama Canal.

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Is it not absurd, therefore, that this most available, most useful and efficient, and least harmful, of all labor elements, should be excluded from a country whose progress and prosperity depend upon the faithful execution of this class of work, and all in order that politicians may make capital for themselves by crying out against it? All the Asiatic laborers who ever came to this country, or who are likely to come, are incapable of doing as great injury as a single politician, who, to secure his election to office, goes about systematically to stir up the worst passions of the working people, and arouse them to the commission of unlawful acts by incendiary declamations and the printed recitals of imaginary evils.

Some have suggested danger to the Republic in thus leaving open the portal for the unrestricted inpouring of Asiatic hordes to kill and drive us into the eastern ocean. Yet, they must know that the laboring man in China dares scarcely go from one province into another unprotected. The price of passage to California is to them equivalent to a fortune, and the journey like the journey into another world. In times past, he who adventured alone had often to sell or pledge his wife for the necessary means, while contractors for coolie labor would not bring men over at less than some fixed price. As for the rest, the law of supply and demand regulates it. It is a matter of record that, when wages in California fell below fifteen dollars a month, Chinese immigration not only ceased but the tide turned the other way. Chinamen will not leave home and face the cost and dangers of the ocean voyage unless they can have work at remunerative rates; and work is all that they desire.

Why should the Chinese want America? What would they do with it? They are passionately attached to their homes, if not to their country, preferring almost the loss of life to the loss of queue, which forbids their return; while to deposit their bones for their eternal rest in a foreign soil, is to consign their souls to perdition. Instinct and tradition, running back for many centuries, have so intensified their exclusiveness, their dislike of change and hatred of strangers, as to make it little likely that they will ever wish to move to this country. Yet they are not patriotic. They do not know or care, half of them, by whom they are ruled, or how. They do not know or care why Japan wants Korea and Russia wants the earth; their ambition is limited to

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the desire simply to go somewhere, to the Philippines, Australia, or America, and work and earn a little more than the pittance which they get in China. All this is set down against them in arguments for their exclusion, whereas it stands among the best of reasons for their admission, as they have no disposition to engage in politics, mob-law, strikes, and that vicious unrest which is bringing our country to the verge of ruin.

HUBERT HOWE BANCROFT.

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A GLANCE AT WORLD-POLITICS.

BY SYDNEY BROOKS.

Not long ago—it was, however, before the outbreak of the Russo-Japanese war—there appeared in one of the English reviews an article on "The United States of Europe." The writer ventured the opinion that "Europe now seems almost ripe for federation"; that an almost identical system of education, the decay of theological dogma, the universality of the press, of commerce and of travel, Jewish domination in the newspaper office, in the theatre and in politics, the common restlessness under the common burden of huge armaments, the growing sense of the solidarity of labor, and the pressure of American competition, are all simultaneously working towards a cosmopolitanism that has within it the germ of federation. The idea, of course, is not a new one. It was proclaimed with enthusiasm as long ago as the sixties, it brightened the closing years of Victor Hugo's life, and in our own day, even within the last few weeks, M. Leroy-Beaulieu has insisted on the economic necessity of its fulfilment. Nor is it inconceivable that the long results of time may really convert it from an aspiration to a policy. Already, even in its tentative and incipient stages, a modifying influence goes out from it to move men's hearts and minds, if not to shape their actions. The most matter-of-fact observer, in attempting a forecast of the European future, could not, at any rate, wholly pass by the tokens and possible consequences of this new impulse. Here I am rather concerned with the obstacles that lie in the path of its realization, the immediate obstacles of politics, national ambitions and racial tendencies. They are formidable enough, and their removal is imperative. But it is permissible, and not perhaps altogether quixotic, to hope that their disappearance, whether by war or by negotiation, may help to clear a space, a mental and moral as well

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as a political space, for the larger movement. The only point I would insist on is that Europe is still too much in flux to permit of the concentration necessary for the fruition of so vast and resplendent an ideal. Putting aside altogether the question whether for such a being as man in such a world as the present the ideal ever can be attainable, one may still safely assert that the political problems that confront the peoples of Europe, the array of vexed and in some cases crucial questions that still remain unsolved, must postpone its attainment well-nigh indefinitely.

Is there, for instance, any one who, looking to the past histories of France and Prussia, can regard the present disposition of Alsace-Lorraine as fixed in perpetuity? That the French are not at this moment thirsting or clamoring for *la revanche* is true enough. It is not less true that within the last few years, since the death of President Faure, a reaction against militarism has set in among the French. Their old exuberance of enthusiasm for the Dual Alliance has palpably toned down of late, nor is it fanciful to detect a reviving consciousness that the eighteenth-century primacy of France from the Neva to the Tagus in intellect, art, science and manners is still the ambition most suited to the national genius. Of all the countries in Europe, France is, indeed, to-day the most contented and the most happily placed. The Third Republic has forced, even upon a world imbued with the tradition of French "fickleness" and "instability," the conviction of permanence and security. Already it has lasted longer than any régime since the old monarchy collapsed in 1792. It has survived repeated crises and resisted without serious difficulty all efforts to upset it. It defeated the Royalists in a pitched battle on May 16, 1877, and the Royalists themselves have since completed the rout. It came out victorious from the long struggle with the Church between 1880 and 1885; it withstood the temptation to Cæsarism in 1889; the Panama scandals failed to shake it; and from the long and hideous nightmare of the Dreyfus affair, in which the rag-tag and bob-tail of Clericalism, Anti-Semitism, Royalism and Nationalism—encouraged by a few, but only a few, restless soldiers—were drawn up against it, it has emerged with fresh confidence and vigor. Beyond this, the Third Republic has founded an immense colonial empire, has armed the nation to the teeth without impairing its republicanism, and,

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Anti-Clerical though it is, has forced the official approbation of the Vatican. These are remarkable achievements, but even they pale before the greatest of all, the formation of the Franco-Russian Alliance, which not only consecrates the Republic's international position but immeasurably strengthens it at home. Cardinal Manning once remarked that to write the history of France was like writing the history of a kaleidoscope. The remark holds good for the Republic if one fixes one's attention exclusively on ministers and political parties. But, if one looks beyond this sliding procession of cabinets and groups, there is discoverable in the background a continuity of policy and purpose such as no autocracy could have exceeded. Beneath a fluid and shifting surface there has always been a real stability of ideas. There has also been a stability of men. The real rulers of France are the unknown and unseen heads of the great departments, the permanent officials. Ministries come and go, but these officials remain, and under their hands the internal policy of the country takes shape and substance, undisturbed by changing portfolios. It is true that this endless succession of fly-blown Cabinets argues a certain inexperience in and perhaps unfitness for the workings of Parliamentary government. But it has meant much for France that, instead of trying to overthrow a régime, her politicians have been able to concentrate upon the downfall of individual ministers. It relieved them to overthrow Jules Ferry when his Tonkin policy led to a disaster to French arms, but they did not undo his work. To have brought him low was enough; his fall appeased them, and his policy was left untouched. A ministerial "crisis" in France is more often a safety-valve than not.

It was a Frenchman who claimed that the regeneration of France since the war, the readiness with which she paid off the indemnity and the splendid alacrity with which she has remodelled her military forces and safeguarded her international position, constitute in their display of patience and self-denial "the greatest moral victory ever won by a nation over itself." No one, I imagine, not even a German, would care to dispute that dictum. France has shown more than once in her history that she cannot be ruined, but never more completely or with more admirable resolution than in the last quarter of a century. And now at last she is reaping the full harvest of her efforts. The nervousness and irritability of ten years ago have given way to an assured

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self-confidence. The Boulevards have learned the trick of smiling even at the Kaiser's speeches—the same speeches that in the eighties sent every Frenchman's right hand to his left side. Even the spectacle of Germany adding 800,000 a year to her population while the French birth-rate little more than holds its own, even the precariousness of the national budget and the tumultuous quarrels with the Church, cannot disturb the conviction that France, internally and externally, is secure; that the Republic has undoubtedly and finally triumphed; and that, with Spain bound to her by the chain of finance, with the Tunis question now past the danger point and Italy happily reconciled, and with the Franco-Russian Alliance and the double line of fortresses to guard the eastern frontier, her international position is beyond successful assault.

Moreover, the one serious blunder that marred, up to quite recently, the external policy of France has now been removed. France had and has a righteous ambition to be not only a great Continental but a great Colonial power. Her twofold aim brought her across the path of Germany, the strongest military, and England, the strongest naval, Power in the world; and she made no attempt to conciliate either. The pacific cautiousness of her foreign policy was, indeed, guarantee enough that, so far as the Continent was concerned, France was exceedingly unlikely either to provoke or to be drawn into war. But her colonial policy, which was haphazard rather than cautious, provocative rather than pacific, was at once a drain on French resources and a menace to her relations with England. At more than one sinister and perilous point, it brought England and France face to face. France has, of course, as legitimate a right to an Empire as Great Britain; but it is incontestable that the French colonies are, if anything, a source of weakness to France, that they impoverish without reinforcing her, and that she risked more on their behalf than they were really worth. It seemed at one time as though England would oust Germany from the position of the supreme object of French hatred, and as though the restlessness and military impatience of the nation would be focussed into a glowing animosity against Great Britain. That danger, a very real one some five years ago, has now passed. The Anglo-French Agreement, it is not too much to say, is as much a guarantee of peace in the prosecution by France of her Imperial ambitions as is the Dual

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Alliance in the protection of her eastern frontier. I question, indeed, whether England and France have ever stood nearer together in sympathies and mutual comprehension, and in the desire to have done with the old traditional enmity and suspiciousness than at this moment. It may, indeed, prove that, in inviting France to the occupation of Morocco, Great Britain has unconsciously proposed to her a task compared with which all her previous Imperial ventures, in Tonkin, Algeria, Madagascar and Nigeria, will prove mere bagatelles; and that some such catastrophe as overwhelmed the Italians at Adowa may even now be maturing for France on the frontiers of the Shereefian Empire. That, however, is mere speculation. What is certain is that, for the space of another generation at least, the possibility of any serious clash between the colonial policies of Great Britain and France has been so enormously minimized that one might say it has been averted. And with the lifting of this, by far the heaviest cloud that menaced the French prospect, the Republic is left free to follow, with undistracted assurance, the pathway of internal development. There have, of course, been times when to the foreign eye France may have seemed more brilliant and imposing. But it is doubtful whether she has ever been more prosperous, more sure of herself or more contented. In no country except the United States does civilization strike deeper; nowhere is there so much diffused comfort and taste, so much thrift and humble elegance, such wealth of placid, industrious, and affectionate home-life. If Paris has decayed into a mere cosmopolitan pleasure-ground, if democracy has destroyed the *salon* and sectionalized that brilliant society that was once the model and despair of Europe, France as a whole has gathered fresh energy and steadfastness from her reverses and a chastened respect for the advantages of peace.

And yet, in spite of all this, it is no paradox to insist that the question of Alsace-Lorraine is still, as it has been for the past thirty years, the pivot of European politics. How far France has really acquiesced in the loss of her two provinces, and in their retention by Germany, is a most difficult point. My own strong impression is that while *la revanche* is no longer a policy, it is assuredly an aspiration, dumb and unheeded, perhaps, by the present generation, but needing only a crisis and a chance to find full and menacing voice. France, that is to say, has grown reason-

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able about it, recognizes facts, and will not perpetually talk about altering them till the opportunity comes for action. Then —then, I think, she will do what she can. The Dual Alliance, although based on "existing territorial arrangements," cannot, when French policy is looked at as a whole, be altogether separated from the hope of recovering Alsace-Lorraine. But primarily that compact will endure, because for France it represents not aggression, but insurance, the need for which every year that reveals to German eyes her relative weakness in resources only emphasizes the more. I know of no price that it would not be well worth the while of France to pay so long as the Alliance is able—as hitherto it has been able—to lift that awful horror of invasion, that sickening sense of helplessness under the shadow of which, a bare fifteen or twenty years ago, the nation was rebuilding itself as from nothing. It would, however, be possible to leave the Dual Alliance out of account, and yet maintain that Alsace-Lorraine is the dominating influence of Continental affairs, to which all else is ultimately referable. No country, for example, can become friendly to Germany without arousing in France a suspicious anxiety that may and, in Italy's case, did develop into downright hostility. No country, again, can draw near to France without reminding Germany that her Continental position is one of extreme precariousness and without disturbing her policy overseas. These one may take to be axioms of European politics, and each has been abundantly verified within the last two years. It was the explosion of anger with which England greeted the Anglo-German Agreement in Venezuela that first convinced France of the hostility of the British people to any sort of compact with Germany. From that moment Anglo-French relations began automatically to improve; and their improvement created a displeasure in Germany that culminated, when the terms of the Anglo-French Agreement were published, in an outburst of irrepressible annoyance not wholly free from alarm.

So far as Alsace-Lorraine is concerned, Germany's policy is simply to hold what she has won; but to hold it as tactfully and with as much deference to French susceptibilities as possible. Just as Bismarck after Sadowa spared no pains to reconcile Austria to the accomplished fact, so for the past fifteen years the Kaiser has striven to induce France to let bygones be bygones. He has not succeeded, but he has come nearer to success than

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any one would have thought possible. If it has proved beyond his powers of persuasiveness to command acquiescence, he has at least contrived to dull the edge of a too active and voluble resentment. Situated as Germany is, a beleagured fortress with allied foes on the east and west, she has no option but to court with all possible adroitness the friendship of each. Not that the Wilhelmstrasse sets an equal store by the good-will of Russia and of France. The latter nation may be said to have definitely turned her back on the temptation of a single-handed dash for Alsace-Lorraine. If the dash is ever made it will be as the result of, and concurrent with, an embroilment that will fully distract the attention and resources of Germany elsewhere. The Germans, for their part, know well enough that the storm which will shake their Empire, if any storm can, will come from the east and not from the west. The keynote of their Continental policy is, therefore, and inevitably must be, friendship with Russia. Nothing that any other Power could offer them would in the least compensate for the loss of Russian good-will. That is a fundamental proposition the truth of which is now, I think, universally admitted, even at last in Great Britain, where the notion has too long prevailed that by graceful concessions it might be possible to use Germany as a sort of make-weight against Russia. No delusion could well be greater. Thanks to the skilfulness of her diplomacy, Germany has not yet had to make sacrifices to secure the political friendliness of her eastern neighbor, but she never lets a chance slip by of doing her an easy, good-natured service and of convincing St. Petersburg that "the enemy" is Great Britain. It is a difficult game to play, and as time goes on it will become more difficult still, for the reason that the central condition which alone made it feasible is fast disappearing. So long as Germany had, and could say that she had, no direct interest in what is loosely called the Near-Eastern Question, close and even confidential relations with St. Petersburg rested on a more or less natural basis. But to-day we find the Kaiser accepted at the Yildiz Kiosk as Turkey's best and only friend in Europe. His officers have drilled the Ottoman army; whatever of European varnish is visible in the Turkish government is of German make. Russian authority at Constantinople is founded on the fears of the Sultan; Germany's on a business-like friendship. The Kaiser did the Sultan a signal service when he thwarted the Con-

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cert of Europe after the Armenian massacres. His reward lies in Syria and Asia Minor, where the German banker, commercial traveller, engineer and colonist are carving out a sphere of commercial and political interest which may yet be a veritable part of the Fatherland. If Germany is ever seriously to emulate the Imperial career of Great Britain, it is not in Africa or in the Pacific or in South America or in China that she will have to look for the development of Greater Germany, but in Asia Minor, along the valley of the Euphrates and on the Persian Gulf. That is a fact which, by bringing Germany and Russia unescapably face to face, cannot but revolutionize sooner or later their past relations. Nothing in the whole sphere of European politics is more pregnant with possibilities than this, and anything even remotely connected with it becomes important. The quarrel between the French Republic and the Vatican, for instance, if it ends, as it well may, in a Papal withdrawal of the protectorate that France, as the eldest daughter of the Church, exercises over Eastern Catholic converts—a protectorate that affords a hundred pretexts for "intervention"—and if the Kaiser, as is quite conceivable, for he has no closer friends than the Sultan and the Pope, falls heir to the French position, may easily advance the inexorable conflict between Teuton and Slav one step nearer.

It is, of course, unfair to judge Germany by the Pan-Germans. But it is not altogether beside the mark to sketch in cursory outline the future which Pan-Germanism has pictured to itself, especially when it is a future for which the Kaiser, the one statesman in Europe who has a real touch of genius, actively works. To found one empire in China and another in Asia Minor without colliding with Russia; to create a sphere of influence in South America without rousing the suspicions of the United States; to absorb all of Africa that she can lay hands on, not violently but by purchase and negotiation; to collect coaling stations in the Pacific and the West Indies, and generally to be the first and highest bidder whenever any territory anywhere comes into the market—to do all this, and yet maintain peace, is in itself a varied and grandiose programme. Yet while the Kaiser and the Pan-Germans are quite sincere in saying that peace is the greatest of German interests—an aggressive peace, that is, a peace in which German interests are very vigorously looked after—it is their obvious policy to set England at odds with France,

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France with Russia, and Russia with England. And this after all, is but half the Pan-German programme. Those who have followed German political literature with any care know well enough that the desire to obtain a firm footing on the shores of the North Sea has been present for generations. The settlement of the northeastern frontier of Holland by the Congress of Vienna was a bitter disappointment to the Prussian national party of the day; and somewhere at the back of the German mind is a more or less inchoate resolve to rectify that mistake. The idea of forcing or enticing Holland into a Customs Union, to be followed afterwards by a military and naval convention, has never been abandoned. It is still less likely to be thrown overboard in the future. The further Germany ventures in *Weltpolitik*—and Americans will do well to note this—the more steadily will she keep her eyes on the Dutch colonies. Nor is this the limit of the ambitions of Pan-Germanism. Just across the southwest borders, in Austria-Hungary, are some eight million Germans, growing year by year less and less satisfied with their position in the realm of the Hapsburgs and insensibly gravitating towards Berlin. These Pan-Germanism has already marked for its own. Both in Berlin and in Vienna exist fully-formed and active parties with no other plank in their platform than the consolidation of all German-speaking Austrians with the German Empire. If their projects ever come to a head, only one more short step will be needed and Germany will debouch on the Adriatic. Pan-Germanism will not be satisfied until it has planted one foot at Rotterdam and another at Trieste.

These, however, though they should never be forgotten or lost sight of, are not the cardinal points of German policy. In its ultimate influence on *Weltpolitik,* German policy will be represented, above all, by two movements. One is the impulse that is dragging her to expand in Asia Minor in the very face of Russia; the other is her vigorous resolve to be a great maritime and a great Colonial power. This latter ambition has already had the effect of emancipating England from the pro-German influences which, almost since the beginning of Queen Victoria's reign, have been allowed an altogether excessive share in the direction of British policy. It is now a conviction, a somewhat angry conviction, on the part of the great majority of Englishmen, that the Kaiser's dictum, "Our future is on the water," when translated into the

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language of the ordinary German, means that England's must be somewhere else, that Germany's commercial, naval and colonial ambitions can only be fulfilled at the partial expense of Great Britain; that the two countries must by the necessities of the case be rivals; that their goal is too much the same for their interests to be identical; that Germany's longing for sea-power, colonies and commercial dominion is, in short, the one dangerous menace with which England is now confronted.

It will thus be seen that Germany is playing a hazardous game, one in which, with her unhappy and universal knack of rousing suspicion and dislike, success is hardly conceivable. Moreover, she is conducting it on a basis that is not in all ways as secure as it might be. It is a common and not unexaggerated saying that one German out of ten is disaffected to the Empire; some because they are Southern Catholics and resent the rulership of Protestant Prussia; some because they are ultra-Liberals of a rather doctrinaire type and impatient of everything short of the full shibboleths of democracy, impatient of Prussian paternalism, of a Parliamentary régime without the party system, of ministers responsible to the Crown instead of to the people, of the ubiquitous police agent, of whatever stands in the way of the dominion of popular rule; others, again, because they are Social Democrats and in opposition to everything, and especially to militarism; others from an old-standing jealousy of Prussia and resentment against "Prussian arrogance." The gathering stringency of her relations with Russia, with Great Britain, and the barely veiled suspicion with which her policy is watched by the United States are in themselves enough to give Germany pause; but it is barely too much to say that her most persistent and capable foes are to be found within her own borders. It is true that the Triple Alliance still exists and, I think, will again be renewed; but it is to be noted that Italy has abandoned Colonial ambitions, has settled down to the humdrum and vitally practical work of domestic regeneration and is to-day in far closer touch and sympathy with France than with either of her allies; and that Austria, distracted, polyglot Austria, draws yearly nearer to an internal crisis that may prove to be an internal convulsion. There is no guarantee that the Alliance will be renewed, if at all, more than once; and it might even now be within the competence of a shrewd and resolute diplomacy to break it up.

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The close of the present war seems likely to open up a situation of extraordinary opportunities. To Great Britain those opportunities will present themselves with peculiar significance. The chief objects of British policy are (1) to maintain the closest possible relations with the United States; (2) to come to a good understanding with France and, if possible, with Russia; (3) to uphold Japan and the open door in the Far East; (4) to checkmate Germany; and (5) to consolidate and develop the Empire. Anglo-American relations are to-day as every sensible Englishman and every sensible American would have them. Anglo-French relations are so vastly improved, and the improvement holds out such a real promise of stability, that a *rapprochement* between England and the ally of France—provided always that Japan in no way suffers by it—becomes an almost logical consequence. The results of the war that is now raging will emphasize not merely the logic, but the need, of at least attempting such an arrangement. Russia's sea-power is enormously diminished; her military prestige and her military effectiveness are both greatly weakened. The first Power to benefit by such a condition is Germany; it lessens, for the time being almost destroys, the menace on her eastern frontier. But anything that eases the military situation allows Germany to turn to her naval preparations with a new vigor and the command of greater resources. The collapse of Russia, even though it be only temporary, increases, therefore, the danger to England by enabling Germany to concentrate her attention and wealth on the building of her fleet. That is one reason why, when peace comes, England should endeavor to negotiate an understanding with Russia. Another reason is that, if England declines, the attempt will probably be made by Germany. Germany as a Power, if not the chief Power, with whom Russia will have to reckon in the Balkans, in the settlement of the Dardanelles question, and also in Asia Minor and the Persian Gulf, has really more to offer than Great Britain; and the exhaustion of Russia would afford her the best of all chances of striking a profitable bargain. There is, of course, the alternative of an Anglo-German Convention, but this is not only inadmissible, in the present temper of the British people, but would only add to the sum of Anglo-Russian difficulties. Russia's hold over England consists in her ability not to conquer India—for that she has neither the desire nor the capacity—but to distract England's at-

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tention, increase her perplexities and dissipate her resources, by stirring up trouble on the Indian frontier. In the Near East, England has virtually abandoned her traditional policy. So far as one can see, she will never again fight to preserve the integrity of the Ottoman Empire. In the Far East—again with the proviso that Japan's legitimate ambitions are satisfied—she wants no more from Russia than an equality of commercial opportunity. There is hardly anything Russia wants from England except permission to fulfil her destiny. The destiny of Russia is to get down to the sea. I do not see how in the long run she can be prevented from debouching on the Persian Gulf. There is a school of British publicists which declares that, if all outstanding difficulties with Russia throughout Asia can be settled by allowing her appearance on the Persian Gulf, she ought to be welcomed there. A Russian port on the Gulf, they argue, so long as Great Britain remains mistress of the seas, will be no more a menace to India than St. Petersburg itself. That, however, is not the view of the British Government. The British Government, though apparently not averse to Germany's advent to the Persian Gulf, is resolved to exclude Russia from its shores. We reach, therefore, a deadlock, and no way out of it at once satisfactory to England and to Russia has yet been suggested. Nevertheless, the necessity of preventing a Russo-German compact, with its inevitable Anglophobiac tendency, the conviction that of the two countries it is infinitely more desirable that Russia rather than Germany should be brought into a near relationship with Great Britain, the effects of the Anglo-French Agreement, and the opportunity that is opened by the long course of internal reconstruction that must follow Russia's emergence from her war with Japan, all point to an effort on England's part to come to terms. Unless an arrangement can be arrived at, the Persian Gulf and India will continue to dominate Anglo-Russian relations and to lay the seed of future wars.

With the withdrawal of Russia, for another generation at least, from her active and somewhat disturbing rôle in Far-Eastern politics, and with the rise of Japan to an ascendency such as no other nation has yet obtained, either in quality or material strength, the chances are that China will gradually cease to agitate the politics of the world. How far the supremacy of Japan will react on her relations with the United States, in the matter,

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for instance, of Japanese emigration to Hawaii, the Philippines and America, is an interesting point that perhaps has not yet been sufficiently considered. But it may be taken for granted that the open door has been brought immeasurably nearer to actuality than it was before the war broke out; and that in the peace negotiations America will make her weight felt in the direction of commercial equality. It is in the Far East that the United States will play her largest part in the drama of world-politics, and it is there that the community of interests which joins her to Great Britain will ripen into practical cooperation.

SYDNEY BROOKS.

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CAN CONGRESS CONSTITUTIONALLY GRANT INDEPENDENCE TO THE FILIPINOS?

BY H. A. AND J. H. C.

I.—IT CAN.

It is not the purpose of this article to discuss the right or wrong of our retention of the Philippines. The future alone will determine the wisdom of that policy. There are, no doubt, good reasons why American sovereignty should not be relinquished at this time; reasons based on principles of Christianity and civilization, and fostered by long-standing presumption against the propriety of alienating national territory. There are many persons, however, whose opinions are worthy of consideration, who believe it the wiser course to grant the Filipinos absolute independence, while others favor a sale of the entire archipelago to some foreign power. As Congress may be called upon to say whether or not the Philippines shall be held permanently, the question of the right to alienate property of the United States becomes very important. A thorough examination of the subject certainly leads to the belief that Congress has the right either to grant the islands independence or to dispose of them by sale. As the United States, as a nation, has an inherent right to acquire territory similar to the inherent right of a person to acquire property, so has it an inherent right to govern or dispose of it. It is a right of sovereignty, just as the right to declare war, make treaties of peace and acquire territory is an attribute of sovereignty. What, then, is the power of Congress over Federal territory? Surely, it has the right to acquire territory and the power to govern it, a power derived from the Constitution, which, Chief-Justice Marshall says, "confers absolutely on the Government of the Union the powers of making war, and making treaties; consequently, the Government possesses the power of ac-

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quiring territory either by conquest or by treaty." Justice Story, whose published judicial works evince such profound views of law, says: "As the general Government possesses the right to acquire territory, either by conquest or by treaty, it would seem to follow, as an inevitable consequence, that it possesses the power to govern what it has so acquired."

That the power over territory is vested in Congress without limitation, and that this power has been considered the foundation upon which territorial government rests, was also asserted by Chief-Justice Marshall in McCullough *vs.* Maryland (4 Wheat., 316-422), and in United States *vs.* Gratiot (14 Pet., 526). Justice Brown, in delivering the opinion of the United States Supreme Court in the recent case of Downes *vs.* Bidwell adds:

> "So, too, in Mormon Church *vs.* United States, in holding that Congress had power to repeal the charter of the Church, Mr. Justice Bradley used the following forceful language: 'The power of Congress over the Territories of the United States is general and plenary, arising from and incidental to the right to acquire the territory itself, and from the power given by the Constitution to make all needful rules and regulations respecting the territory or other property belonging to the United States. It would be absurd to hold that the United States has power to acquire territory, and no power to govern it when acquired. The power to acquire territory, other than the Territory of the Northwest of the Ohio River (which belonged to the United States at the adoption of the Constitution), is derived from the treaty-making power and the power to declare and carry on war. The incidents of these powers are those of national sovereignty and belong to all independent governments. The power to make acquisitions of territory by conquest, by treaty, and by cession, is an incident of national sovereignty.'"

Justice Bradley would have been justified in adding that national sovereignty covers the right to dispose of territory, as well as the right to acquire or govern it. It is as absurd to say that the United States has the right to acquire territory without the right to part with it, as it is to assert that it may acquire but may not govern. There can be no question about the power of Congress to govern Federal territory, for it has been too often upheld by the highest courts to admit of discussion. Only recently the Supreme Court in one of the insular cases remarked: "We are also of opinion that the power to acquire territory by treaty implies not only the power to govern such territory, but to prescribe

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upon what terms the United States will receive its inhabitants, and what their status shall be in what Chief-Justice Marshall terms the 'American Empire.'" Justice Brown then discusses the status of the inhabitants of acquired territory; and, after reviewing the treaties providing for the acquisition of Louisiana and Mexico and Florida, in which special provision was made for this subject, concludes that, "in all these cases, there is an implied denial of the right of the inhabitants to American citizenship until Congress, by further action, shall signify its assent thereto."

It must be borne in mind that the Philippines are yet unorganized territory, with the status of the inhabitants undefined by Congress, which has so far refused to extend to the Filipinos the privileges of American citizenship. That Congress cannot cede any part of a State of the Union without the consent of the inhabitants thereof is beyond dispute; but, with its unlimited power over the Territories, Congress may withhold from acquired and unorganized territory any or all the powers of government, as was done with Alaska, Arizona and New Mexico. It may extend privileges to the inhabitants, or deny them all participation in the government. It may delegate its power to the President, as has already been done with respect to both Louisiana and the Philippines. The future status of acquired territory is controlled by the terms of the cession and the will of the new master. Judge Magoon in his Insular Opinions, published two years ago by the War Department, says:

> "The usage of the world is that territory, title to which is acquired by contest and the acquisitions affirmed by treaty of peace, is to be dealt with by the new sovereign according to the terms of the treaty, or, in the absence of treaty stipulations, upon such terms as the new sovereign shall impose. The new sovereign, in the instance with which we have to deal, is the sovereign people of the United States. That sovereign has conferred upon Congress the authority to impose the terms and prescribe the means of accomplishing the purposes of government in all places which its sovereignty attaches, or subject to its jurisdiction, and all property to which it has rights."

The purchase of Louisiana first brought up the question of the legal relations between the States and the newly acquired territories. The Treaty of cession provided that "the inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible to the enjoyment

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of all the rights, advantages and immunities of citizens of the United States; and, in the meantime, they shall be maintained and protected in the free enjoyment of their liberty, property and religion which they profess."

Justice Brown observes that "this evidently committed the Government to the ultimate, but not to the immediate, admission of Louisiana as a State, and postponed its incorporation into the Union to the pleasure of Congress." The United States is not committed to giving the Filipinos immediate or even ultimate Statehood; it is untrammelled by any assurance of future conduct; no promise, express or implied, has been made that the entire archipelago shall not be disposed of to Russia, China or Japan; nor has anything been done which would interfere with the granting of independence, should Congress in its wisdom consider it proper to do so. Congress has reserved to itself the right to dispose of the Philippines, subject only to such restrictions as are expressed in the Constitution or are implied in its terms.

Section 3, Article IV., of the Constitution says:

"The Congress shall have power *to dispose of* and make all needful rules and regulations respecting the territory and other property of the United States; and nothing in this Constitution shall be so construed as to prejudice the claims of the United States or of any particular State."

In United States *vs.* Gratiot, the Supreme Court remarks:

"The term 'territory,' as here used, is merely descriptive of one kind of property, and is equivalent to the word 'lands.' And Congress has the same power over it as over any other property belonging to the United States; and this power is vested in Congress without limitation and has been considered the foundation upon which territorial government rests."

Gouverneur Morris, the author of the above-quoted section of the Constitution, writing to Henry W. Livingston, December 4th, 1803, says: "I always thought that, when we should acquire Canada and Louisiana, it would be proper to govern them as provinces, and allow them no voice in our councils. In wording the third section of the fourth article, I went as far as circumstances would permit to establish the exclusion." Having never

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received the privileges accorded an organized territory, or been granted voice in our councils, it is evident that the Philippines are already within the exclusion, and are to be considered merely as a piece of property, held subject to the will of the new master, the sovereign people of the United States, who have delegated to Congress full authority to determine what shall be done with the new acquisition. The Supreme Court was aware of this situation when it remarked, in Downes *vs.* Bidwell:

> "Whatever may be finally decided by the American people as to the status of these islands and their inhabitants,—whether they shall be introduced into the sisterhood of States or be permitted to form independent governments,—it does not follow that, in the mean time, awaiting that decision, the people are in the matter of personal rights unprotected by the provisions of our Constitution and subject to the merely arbitrary control of Congress. Even if regarded as aliens, they are entitled under the principles of the Constitution to be protected in life, liberty and property."

The mistake must not be made of confounding personal rights with political rights. It is conceded that the Filipinos are entitled to the protection of this country in all their personal rights. The military forces of the United States have been for several years protecting the Filipinos against the ladrones who infest the islands, they have had their property guarded against the invasion of robbers, and in every way their personal rights have been respected, but without defining their political status or determining the question of their political future. It would seem that nothing more is needed to establish the belief that Congress may alienate the islands than the expression of Justice Brown: "Whatever may be finally decided by the American people as to the status of these islands and their inhabitants,—whether they shall be introduced into the sisterhood of States or *be permitted to form independent governments.*" There can be no doubt that, when this was written, the Supreme Court had in contemplation the authority of Congress to "dispose of" the Philippines in a manner other than by permanent retention. If independence may be granted and American sovereignty relinquished to the inhabitants themselves, what is to hinder a direct alienation of the territory to some foreign power? It would not be the first time that the United States has alienated territory. The Continental Congress, in its instructions to the American peace commission, defined with great

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care the boundaries of the United States and the territory claimed by the several States, but was willing to relinquish a part of this territory in the interest of peace. Following upon a description of the boundaries, the instructions said:

"But, notwithstanding the *clear right* of these States, and the importance of the object, yet they are so much influenced by the dictates of religion and humanity, and so desirous of complying with the earnest request of their allies, that, if the line to be drawn from the mouth of Lake Nipissing to the head of the Mississippi cannot be obtained without continuing the war for that purpose, you are hereby empowered to agree to some other line."

A compromise boundary was agreed upon and some of the territory given up, property which by "clear right" belonged to the States. Then followed the Northeastern Boundary dispute, which involved the right of Congress to alienate a part of the sovereign State of Maine, without the consent of its inhabitants. So opposed to the decision of the King of the Netherlands was Maine that Senator Sprague from that State submitted a resolution in the United States Senate, declaring that "the general Government has no constitutional power to cede or transfer to a foreign nation any portion of the territory or inhabitants of any one of the United States without the consent of such State." In debate, he said:

"It is not within the constitutional competency of this Government to assign new boundaries, known to be such, to any one of the States, whether to increase or diminish the quantum of its territory. Our faith is plighted to the State to preserve inviolate the integrity of its soil, and to vindicate the sacredness of the persons of its inhabitants. Maine, as a member of this Union, has a right to require protection from foreign encroachment. No matter whether the extent and numbers invaded be great or small, you cannot permit one acre of her territory or a single individual of her inhabitants to be wrested from her by a foreign grasp."

The only question then involved was as to the consent of the State of Maine, not the consent of that portion of the State which it was proposed to alienate, but of the whole State. It was, of course, through the treaty-making power that these negotiations were conducted, and under this power there is nothing to prevent the President and the State Department from at once formulating a treaty with some foreign Power for the disposition of the Philip-

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pines. But to make that treaty valid would require the official approval of Congress, the sanction of the 76,000,000 people of the United States. In the case of Maine, Congress could do nothing, unless Maine first ceded to the general Government the territory in dispute. When it became the property of the general Government, there was no question as to the power of Congress. The history of all boundary negotiations in this country shows that they were conducted on that principle. No one questioned the authority of Congress to "dispose of" territory belonging to the United States. The Northeastern Boundary dispute hung fire for a number of years without final adjustment. Once during the period of negotiations Albert Gallatin wrote to President Monroe from Ghent saying that Great Britain, he thought, would be disposed to offer the whole of Passamaquoddy Bay and the disputed fisheries as an equivalent "for this portion of the northern territory, which they want in order to connect New Brunswick and Quebec. That northern territory is of no importance to us and belongs to the United States and not to Massachusetts, which has not the shadow of a claim to any land north of forty-five degrees to the eastward of the Penobscot River, as you may easily convince yourself of by recurring to her charters."

After failures of conventions and refusal to accept the decision of the King of the Netherlands, Gallatin, in a letter to Charles S. Davies, says: "I believe at the same time that the corner of territory watered by the Restigouche might be yielded without its being a disgraceful concession." At another time, he wrote to a friend: "For my part, I wish that the public lands, now that the resources of the Union are sufficient to meet any exigency, might be so 'disposed of' as to become in fact (as was the case under the colonial system) the patrimony of the poorer classes of society throughout the Union."

The Northeastern Boundary question was finally settled by the Ashburton treaty, and to Daniel Webster, more than any other person, belongs the credit for bringing about a final adjustment of this long-pending dispute. Congress ratified the treaty, but not without some bitter remarks about the cession of important territory to Great Britain. It was alleged that the treaty ceded very important military advantages on this continent to the British Government. Webster was accused "of having unconstitutionally

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surrendered a portion of the State of Maine to a foreign Power, and of having accepted a line of boundary between the United States and the British provinces unfavorable to the United States." When he entered the Senate in 1846, he had an opportunity to reply to the charge. He described the troubles of 1839, the border war, the fortified line and the temporary treaty between the Governors of Maine and New Brunswick. He explained that the territory on the side of the United States belonged to no less than four different States, Maine, New Hampshire, Vermont and New York. How the alienation was begun is shown by his statement that Maine received from the United States Treasury the sum of $150,000 for her share, while altogether the general Government paid $450,000 in cash to the States named for the territory which it subsequently ceded to the British Government. The right to make this treaty was an attribute of sovereignty; and of sovereignty Webster remarks: "To make war, for instance, is an exercise of sovereignty, but the Constitution declares that no State shall make war. To coin money is another exercise of sovereign power; but no State is at liberty to coin money. Again, the Constitution says that no sovereign State shall be so sovereign as to make a treaty." The territory acquired by the United States from Maine, New Hampshire, Vermont, and New York was, before its cession to Great Britain, merely the property of the nation. Congress, with its power to "dispose of" it, did so by alienating it to the British Government in exchange for certain rights. The consideration could have been gold or land, it was entirely within the discretion of Congress.

The Mexican border has afforded another instance where the United States has been called upon to part with territory. In 1890, Congress adopted a resolution to the following effect:

"Whereas the Rio Grande is the boundary-line between the United States and Mexico; and whereas in former years annual floods in said river have been such as to change the channel thereof, producing serious avulsions, and oftentimes and in many places leaving large tracts of land belonging to the people of the United States on the Mexican side of the river and Mexican lands on the American side, etc., etc., the President be requested, if, in his opinion, it is not incompatible with the public interests, to enter into negotiations with the Government of Mexico with a view to the remedy of all such difficulties as are mentioned."

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Colonel Anson Mills, Third Cavalry, retired, is the American member of the joint commission agreed upon by the two countries. Several years have been spent in an examination of the river boundary and the little islands formed by the change of the channel of the river. In one case, 376 acres with eighteen inhabitants were transferred from one country to the other. The Boundary Commission finally agreed upon a plan whereby a new boundary is to be formed and the sovereignty of these islands newly determined. Colonel Mills has recommended the adoption of a treaty for this purpose, and he explains in his report that the United States would gain from Mexico 5,572 acres and would lose 3,292 acres. To make this exchange it is, of course, necessary to alienate the 3,292 acres; and, while Congress has not yet agreed to the treaty, there is no question as to its authority to do so. The same commission is the author of a proposed measure for the construction of an international dam at El Paso, Texas. Mexico claimed to have been injured by the United States depriving her citizens of their vested rights in the water of the Rio Grande, which was used by Americans for irrigation purposes. That the Boundary Commission recognized the authority of Congress to make a direct cession of territory to a foreign Power is shown by Colonel Mills's recommendation to Congress. He explains that the site of the proposed international dam is entirely on American territory, and he recommends that the United States cede to Mexico a small tract of land at a point on the river near El Paso, so that Mexico may own one end and half of the dam and have access to the lake. The commission's report shows that, of the 27,000 acres to be submerged to form the lake, 10,000 acres are in the Territory of New Mexico and 17,000 in the State of Texas. Colonel Mills, apparently, has no concern about the acquisition by the general Government of the land in New Mexico, but as to Texas he says: "Probably the State of Texas would be willing to cede jurisdiction of these lands to the United States."

Bitter opposition to the scheme has developed in Congress, coming from irrigation men in New Mexico, and so far they have prevented action upon the report; but that they do not deny the power of Congress to cede the territory is shown by the following sentence from a statement of counsel for the irrigation company: "Promoters know they could not invade a sovereign State with

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such legislation. They depend upon the plenary power of the Federal Government over the Territories."

This, then, brings the discussion right back to the first principle, that Congress in the exercise of general and plenary powers, conferred upon it by the sovereign people of the nation, has full authority to alienate national territory either in this country or in the outlying territorial possessions. It must not be supposed, however, that this power extends to the alienation of territory used by the general Government within a State for a specific purpose, such as government reservations. Such territory is held by the national Government for a specific purpose for the benefit of the national interests; and, when the general Government relinquishes its possession, it must be within the limitations of the laws of the State in which it is located. Another example of this is the acquisition by the general Government of the District of Columbia. This Territory was ceded to the general Government for the purpose of having it used as the seat of government. At one time, it had a territorial form of government; but Congress in 1874 repealed the act creating the Territory, and invested the executive powers of the municipality in three commissioners. All legislative powers were assumed by Congress, and the citizens have no right to vote on national or local questions.

H. A.

II.—IT CANNOT.

Can Congress grant Independence to the Filipinos?

The affirmative answer to this question rests on three propositions: first, an express grant of power by section 3 of Article IV. of the Constitution; second, on the assumption that Congress may exercise the sovereignty of the nation to part with territory, the power to ratify its acquisition being conceded; third, that this power is justified by the precedent of several cases in the past, where territory of the United States has actually been alienated by act of Congress, as cited in the foregoing paper. There does not seem to be any other ground beyond these three; and, if they fail, the power does not exist under the Constitution. The first, if an express grant can be shown, settles the matter, and is therefore of prime importance; the second is a theoretical assumption, of great weight if it can be established; the value of the third depends upon the nature of the precedents and their genuine applica-

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bility to the question at issue. I propose to discuss these three propositions in the order of their comparative importance.

First. An express grant by section 3 of Article IV. of the Constitution. It is, perhaps, worth while to note that it is the first article of the Constitution which deals with the nature of the Congress, its duties and its powers, in ten sections; that section 8 is devoted to the enumeration of its powers in eighteen specific grants, and section 9 to seven prohibitions of power, none of which in either section touches directly upon the point at issue. Article II. deals with the "executive power" in four sections; Article III. with the "judicial power" in three sections; then comes Article IV., treating of four separate matters in as many sections; and Articles V., VI. and VII. are all brief, of one section each, not related to the present inquiry.

The first, second and fourth sections of Article IV. have no bearing upon the question. The third in full is as follows:

"1. New States may be admitted by the Congress into this Union; but no new State shall be formed, or erected, within the jurisdiction of any other State; nor any State be formed, by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

"2. The Congress shall have power *to dispose of and make all needful rules and regulations respecting* the territory, or other property, belonging to the United States; and nothing in this Constitution shall be so construed as *to prejudice any claims of the United States, or of any particular State.*"

Now, let us examine the claim that the power to "dispose of" territory of the United States, granted to Congress by the second clause of the above section, gives it the power to alienate territory. In the first place, the primary meaning of the word "dispose" is not "to part with," but to "set in order," and, specifically, to "set in *right* order," and that is the idea of the word in both the Latin "*disponere*" and the French "*disposer*" from which the English word comes. It is practically the antonym of "to displace" or "to disorder." It is only a secondary usage that comprehends the idea of disposing of a thing or a situation by parting with it, alienating it or giving it up. Intrinsically, it does not mean to sell or get rid of, although inexactly used at times in that sense by confusing the means taken to do a thing with the object in doing it.

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Congress may dispose of national territory "*and* make rules and regulations" for so doing; disposing of the fee-simple title in lands owned by selling or giving them to individual citizens, States or corporations, disposing of the government of the inhabitants of such territory, where practicable, by deputing a portion of the national authority to "Territories" organized by act of Congress, to be finally admitted into the Union as new States according to the provisions of the first clause of that section which contains the sole authority of Congress to dispose of them at all. In not one single instance has Congress ever attempted to dispose of territory which was *indisputably* the property of the United States, by alienating it from the national jurisdiction. It has sold and given away *lands* to which it had clear title, but never beyond the sovereignty of the United States. It has made disposition of the government over its Territories, but has invariably retained the national sovereignty. And the fact that its power to do this at all is given by the secondary clause of a section primarily providing for the creation of *new States,* must be held as of the greatest significance. At the time the Constitution was adopted, the only territory to which the provision could be applied was the "Northwest Territory," out of which future States of the Union were to be carved. The section provides for the future creation of such States by Congress, and meantime for the government of the territory. Will any one say that it was for a moment dreamed of that Congress might, by section 3, acquire the power to alienate that territory to Great Britain, France or Spain? If it had been thought such a power had been granted by this provision, can any one suppose the section would have been adopted by the Constitutional Convention, or ratified by the States afterwards? One can imagine the storm that would have been raised by the opponents of the Constitution if such a suggestion had occurred to them, and what a forceful argument it would have placed in their hands. But it was never even thought of. Dispose of the Territory, rule it, regulate it, yes; but alienate it—abandon sovereignty over it? We may be sure that was furthest from the thoughts of the framers of the Constitution.

To carry the matter to its logical conclusion, if Congress possesses the power to alienate the Philippines, to displace them outside of the national jurisdiction, as well as to dispose of them within it, then Congress possesses precisely the same power over

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any other territory of the United States, and by simple act of Congress the District of Columbia itself could be ceded to Great Britain,—or Fortress Monroe, or League Island Navy Yard. New Mexico, *with jurisdiction over its inhabitants,* could be ceded to the Sultan of Turkey; or Oklahoma could be ceded to the Mormon Church, to erect there an independent foreign and alien government in the heart of the country. Is that conceivable? Would the Supreme Court ever sustain such a construction of the Constitution as that? Yet it inevitably follows if the power "to dispose of" is held to mean the power to alienate.

Test the question, by supposing that the framers of the Constitution had expressed, in explicit terms, the theory by which it is now sought to construe the phrase they used. Suppose it had been proposed in the Convention over which General Washington presided to make section 3 of Article IV. read: "The Congress shall have power to dispose of the Northwest Territory or other Territories of the United States, to cede them with their inhabitants to any foreign king or potentate, or to permit the erection within their boundaries of governments foreign and alien to the United States." Does any one suppose that such a proposition would have had the ghost of a chance of being adopted, or even considered? Yet it is only expressing plainly what it is now contended that the provision adopted actually means. The question carries its own answer. The Constitution would never have been framed by the Convention with any such provision, to say nothing of subsequent ratification by the States. That may be assumed as a certainty.

Or, if it were now proposed to amend the Constitution by so changing section 3 of Article IV. as to grant a definite and specific power to Congress to cede Oklahoma, New Mexico and other United States territory, with jurisdiction over the inhabitants, to any foreign power, it cannot be believed that any such amendment would be ratified. How, then, can any one think that it was the original intention to grant this power, or that the words actually used can be twisted into such a grant? The suggestion seems incredible, and the authority of Congress in the case of the Philippines rests on precisely the same grounds as its authority over Oklahoma and New Mexico.

If the original Convention never intended to give Congress power to alienate territory, that power never existed under the

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Constitution; and if it never existed respecting the Northwest Territory, it does now exist as regards the Philippines, Oklahoma and New Mexico. Can there be any other conclusion?

It is highly important, too, to observe that the prime purport of the whole section is to authorize Congress to erect *new* States of the Union, and to make disposition for the government of its Territories meanwhile, thus confirming the action taken by the Continental Congress in the enactment in 1787 of what is known as the Dane Ordinance for the government of the Northwest Territory, in which it is provided that not less than three nor more than five States should be erected from the territory, and in which it is explicitly ordained that "the said territory, and the States which may be formed therein, shall forever remain a part of this Confederacy of the United States of America." In his exposition of the Constitution, Justice Story applies the principles of the Dane Ordinance in construing the meaning of section 3, Article IV.; and he limits the authority of Congress over this and all territory subsequently acquired to the erection of States within the Union, with the power "to *govern* and *protect*" it meantime. That is his construction of the phrase "to dispose of and make all needful rules and regulations respecting territory belonging to the United States"; and there is not a trace of suggestion in his comments that the power to alienate could be construed into it. The power to govern and protect, and ultimately to erect into States of the Union, is the whole of the grant. To alienate is to throw away the power to govern and protect.

In his farewell address, Washington admonishes his countrymen to cherish the Union, "indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest." Is it conceivable that the Convention over which he presided had already, with his approval, incorporated into the Constitution a provision giving Congress the power of alienation, the very suggestion of which he indignantly reprobates? And if the first Congress under the Constitution had passed an act "disposing of" the Northwest Territory, or any part of it, by cession to an alien Power, or granting it independence outside of the United States, it is quite clear that President Washington would have interposed his veto on the ground of the unconstitutionality of such an act, and that he would have been supported by the Supreme Court.

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But, even granting that the words "dispose of" in section 3 of Article IV. may mean "to part with by sale or gift," there is a provision in the same clause, which itself prevents sale or gift outside the jurisdiction of the United States, for it specifically provides in the very same sentence as the grant of power that "*nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.*". And what more extreme case of prejudicing the "claims of the United States" to the Philippines, or to Oklahoma or New Mexico, and the interest of each particular State in them, could Congress possibly invent than to abandon those claims altogether and to alienate the territory? The provision is distinct and plain that, in disposing of the Territories, Congress shall have no power to do anything that will prejudice the claims of the United States to sovereignty over them, and any particular State is given the right to have its claim protected as a member of the Union jointly interested with all. If the provision does not mean that, it is difficult to invent a meaning for it.

The conclusion is inevitable, therefore, that no power of Congress to alienate territory was ever intended to be granted by section 3, Article IV., and that it cannot justly be derived from the phraseology used. It therefore cannot exist under that section.

Second. As to the alienation of territory by the exercise of sovereignty upon the part of Congress, the whole case rests upon the validity of the statement that "Congress, in the exercise of general and plenary powers, conferred upon it by the sovereign people of the nation, has full authority to alienate national territory either in this country or in the outlying territorial possessions"; and it will be observed that, under this principle, the admission of the power of Congress to transfer the sovereignty of the United States in the Philippines, either to a foreign government or to an independent organization of the Filipinos themselves, equally carries with it the power of Congress to sell Oklahoma to the German Empire or to Japan, or New Mexico to the Mormon Church; and equally carries with it the power, with the consent of its inhabitants, to declare any State an independent alien Power. If it can do the one, it can do the other. The principle carries with it the deadly germ of national dissolution by act of Congress. If it is sound, it would be entirely possible for a combination of States, having the President and a majority in

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Congress—with the consent of their inhabitants and by a simple act of Congress only—to break up the Union, by forming themselves into an independent government.

At the time of the outbreak of our Civil War, it would hardly have been held to be sound doctrine that Mr. Buchanan and the Congress together could have power under the Constitution to legalize the secession of the Southern States; yet, if Congress can constitutionally alienate territory, it can alienate a State with the consent of its inhabitants; and all Mr. Jefferson Davis needed to make his government a valid one under our Constitution, if we admit this principle, was to have an act passed through Congress and signed by Mr. Buchanan transferring the sovereignty of the United States over the seceding States—with the consent of their inhabitants—to the Southern Confederacy. Or, to follow the precedent in the boundary dispute cases, the act might have provided that the Southern States should cede their land to the United States as government "territory," and immediately upon such cession the United States should cede it to the Confederate States of America, and by a very simple but ingenious process the whole transaction would be impregnable under the Constitution, and all cause of dispute avoided. Yet it is inconceivable that such a doctrine would have been sanctioned and such a transaction peacefully consummated. The war would have come just the same, and it would have decided—as it did decide—that the sovereignty of the United States cannot be alienated, or the Union broken up.

The fallacy of the position lies in the assumption that Congress has "general and plenary powers conferred upon it by the sovereign people of the nation," when only *specified* and *limited* powers have been conferred. Indeed, by the tenth amendment to the Constitution the powers of the whole United States itself—in all its branches—were limited to what was expressly granted. "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." And, as Justice Story holds:

> "The government of the United States is one of limited powers; and no authority exists beyond the prescribed limits marked out in the instrument itself. Whatever powers are not granted, necessarily belong to the respective States, or to the people of the respective States, if they have not been confided by them to the State Governments."

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It would be absurd to hold that because the Congress is composed of "representatives of the people," elected to perform certain legislative duties, and collectively with certain restricted powers, it thereby stands in all things in the place of the "sovereign people" and is vested with the "general and plenary powers" of sovereignty, since the Constitution itself expressly prohibits such a theory. In express terms it prohibits complete sovereignty even to the United States as a whole, and the sovereign powers it does grant are parcelled out definitely and particularly to the various branches of the government, and all others are distinctly reserved. Certain attributes of sovereignty are given to the President alone, as in the case of the pardoning power; certain sovereign powers are granted to the judiciary; certain others to the President and Senate acting together, as the making of treaties and appointments to office; and certain other limited powers to Congress, with a series of distinct exceptions to the grant of sovereign power to that body. Congress, for instance, has the sovereign power of declaring war, but the sovereign power of making peace is in the hands of the President and the Senate. Congress is given the power to naturalize citizens and to admit new States, but it has no power to thrust States out of the Union, nor to expatriate any of its citizens. It has power to acquire new territory, but it has no power to alienate it. It has in many things the power to do, without the power to undo what it has once done. It has always been held that the idea upon which the government of the country was founded is that it should welcome inclusion of the "oppressed peoples" of the world to the benefit of living under its free institutions; the whole spirit is inclusive and not exclusive, and what has once been taken in, whether people or territory, is in for all time and cannot be thrust out. This was certainly the thought and intention of those who framed the Constitution and of those who adopted it; and it was the faith upon which the Civil War was waged by the Government. To exclude is a very different thing from to include, and the power to do one cannot be inferred from the power to do the other. The power to alienate and expatriate is very different from the power to acquire territory and to naturalize citizens. Congress may acquire territory, not in the exercise of any inherent sovereign power of its own, but as a trustee for each and every State in the Union; it is its duty then to govern and protect it, as Justice Story says, but it

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has no right to refuse to govern and protect, and hand it over to an alien Power; it has no right to "prejudice any claims . . . . of any particular State," for whom it is trustee. It is impossible to reasonably believe that the framers of the Constitution and the States that adopted it ever intended to confer upon Congress "general and plenary powers"—or the shadow of any power at all—to alienate the Northwest Territory of the United States; and, if not, such power has never been conferred and does not now exist. It can only come into existence by an amendment to the Constitution, which is the only way in which the "sovereign people of the United States,"—"the new sovereign" of the Philippines, as Judge Magoon expresses it in the opinion cited in the previous paper,—can legally confer additional powers upon Congress.

Third. The cases claimed as precedents where Congress alienated United States territory, it will be noted, are all simple settlements of boundary disputes where territory was claimed by the United States as part of its domain, but also claimed by a foreign Power as not being part of the United States. To settle a disputed claim by yielding territory, even if convinced that the disputing Power is in the wrong, is a very different matter from alienating territory which is not in dispute; and the fact that the individual States claiming the land given up were pacified for yielding what they believed their rights, by the payment of various sums of money to transfer any title they may have had to the general Government, which in turn relinquished title to the foreign claimant, thus settling the dispute and removing a *casus belli,* hardly establishes a precedent for the alienation of territory held by undisputed title. The transfer to the foreign claimant was, in effect, an admission that the lands transferred had never rightfully belonged to the United States at all. It is simply the case of a man who says to another: "I believe the lands are mine and you believe they are yours; neither has a perfectly clear title. You take part, and I will take the rest." In the case of the relinquishment to Cuba of the Isle of Pines, there never was an undisputed title to that island, which had always been claimed by the Cuban Government; and Cuba itself was never in any sense United States territory, of course.

But there is no dispute about the title to the Philippines; they were bought and paid for by the money of the people of the

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United States, and the people of every "particular State" have just claims to joint ownership, which Congress has no right to "prejudice," much less to give away or abandon. The status is fixed by section 3 of Article IV., and the duty and authority of Congress are simply to dispose of their affairs by making proper rules and regulations for their government and protection, in the future as in the past.

It may be noted, also, that the Treaty of Paris of 1898, by which Spain ceded the Philippines and Porto Rico to the United States, provided that "Spanish subjects, natives of the Peninsula residing in the" ceded territory or in Cuba, may "preserve their allegiance to the Crown of Spain" by making a declaration within a year, "in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside. The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress."

Here is a distinct agreement to absorb into the citizenship of the United States all those Spanish-born inhabitants of the Philippines and Porto Rico who failed, within a year, to renew their allegiance to the Crown of Spain. These have now, *ipso facto,* become citizens of the United States; the native inhabitants of the islands being held still in an unsettled political condition. No doubt, the status of these latter will be satisfactorily established in due course of time; but the sooner they realize, and we too, that the islands are part of the United States permanently, without a chance of their alienation unless they are wrested from us by war, the better it will be for all concerned. As the years go by, the problem will work itself out, and an equitable share in the freedom of our institutions will be acquired by the inhabitants of these islands in increasing measure according to their needs, as it was with the inhabitants of the Northwest Territory and of the Louisiana Purchase.

J. H. C.

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THE SON OF ROYAL LANGBRITH.

BY WILLIAM DEAN HOWELLS.

PART VIII.

XXXV.

JAMES LANGBRITH took his mother in his arms with an emotion that he had never known before, with pity, with honor, with reverence due to mute suffering, with everything that endears and exalts an object long beloved and wronged. She seemed surprised at his warmth, and sparely kissed him, without even a lax return of his embrace.

"Mother," he said, breaking from the sense of her coldness, and from the subjective pressure of something unwonted in the absolutely unchanged environment, "I came from New York with Uncle John, and he told me about father." As he said this, he noted that the place was lighted only by a hand-lamp, which she was nervously fingering. Her face was swollen as with weeping, and the red crescents under her eyes were tumid with tears unshed.

She said, beginning with the estrayal of his glance toward the lamp, "Norah is not here, and I have let the cook go to bed. I said I would sit up for you. *She* wanted to."

"Thank you," he said, mechanically, to her drooping head. "Uncle John," he repeated, "told me about father." Either she did not understand, or she did not heed; it seemed impossible that she should not have done both; but he felt that it would be cruel to press her farther with the fact of his knowledge now; he took his first lesson in forbearance with her. "I want to see Dr. Anther, at once. Do you suppose he is well enough to see me, to-night?"

"Dr. Anther?" she asked, with an accent that impressed him as having something in it as strange to herself as to him. "Why you can't see him!"

"Yes, I know he is sick; Hope wrote to me. I didn't think—you must excuse— How is he?"

"He is dead," she answered, simply. "He died early this morning. I wanted to stay and sit up, to-night, but they wouldn't let me. They say it isn't the custom, any more. I've just got back here. I brought the trained nurse. She ought to have a little rest before she goes back to Boston." She added one fact to the other

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in the same quality of tone, with the same effect of not realizing any of them.

"Dead" was all that James Langbrith could say.

"They thought he was getting well, one while; or I did. But Dr. Emering said he was afraid, all along. He had splendid care. That trained nurse is as good as another doctor." With the same lifelessness she said, "I've put you out a little supper; and then I suppose you'll want to go to bed. I don't know as you'll find things very comfortable. I took both the girls with me, and with Norah there still, things haven't been put to rights, all. But I've got your room ready."

She ceased to speak, and they both sat in a silence like that of the night when he found her in the moonlight there after his return to do Hope's bidding, and consent to her marriage with Dr. Anther. Now as then it was as if there was to be no end to their sitting in silence together, but now it ought to be a silence that united not parted them.

Up to a certain moment in every evil predicament men are the victims of it, and after that, if they continue in it they are its agents though as little its masters as before. They are exceptionally happy men if they realize this early enough in life to make choice of their better selves against their worse, and in that choice finally prevail over their evil predicament. The events of James Langbrith's situation presented themselves with the simultaneity with which events are said to show themselves in instants of mortal peril. No detail was missing in the retrospect of wilful arrogance, of blind conceit, of vain folly, of baseless illusion; and yet, with it all, he justly felt that he was not so bad as any of the things he had done. At his age he could not be without hope: there could be as yet no error in life wholly irreparable. His soul seized upon renunciation, sacrifice, as its only refuge, and he said as he thought to himself—but from her response he knew that he must have also said it to his mother—"I must release Hope."

She answered simply, "It's too late, to-night."

"Yes, but I will see her the first thing in the morning, and tell her. That will be the end between us." His mother did not gainsay him, and he asked: "Does she know about it—what my father did to hers?"

His mother said impassively, "I don't believe she does."

"Then I must tell her, and let her take herself back. She would hate me."

His mother looked at him in a daze; she seemed about to speak, but did not. "Mother," his voice quivered in the question, "do you suppose Dr. Anther hated me?"

She took time, as if to consider. "I don't believe he did—after the first—after you went away that day. As far as anything went that he said then, or ever afterwards, he pitied you."

"Oh!" Langbrith groaned.

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"I don't know," she resumed, "how much for me it was that he pitied you. He was always wanting you to be told about—about Mr. Langbrith; but he wouldn't force me, when he saw I couldn't. I don't know as I did right not to tell you, but the time never seemed to come."

The words had a sound of excuse, and against this he protested, "Oh, mother!"

"He wanted me," she continued emotionlessly, "to let him tell you, but he always said he wouldn't be my tyrant; he thought I had had enough of tyrants."

Her son winced. "Did he think I had been your tyrant?"

"I guess he did, in some ways. But not that you meant to. He never liked to blame, a great deal." She added, with finality, "He was a good man."

"Yes, yes!" Langbrith wailed in his intolerable regret. "He was a good man. And I insulted and outraged him, when, because he meant the best a man could, and had been your true and constant friend, I should have been on my knees to him. And mother, do you?"

"Do I what?"

"Pity me, too? Forgive me?"

She drew a long, weary sigh. "Oh, what does it all matter?"

"Everything—the whole world, life, death!"

She appeared to consider again. Then she answered, "I don't know as I ever felt but the one way to you. You were my son."

He felt that to rise and kiss her for the assurance of her love, would have been to profane it. He sat where he was, but he burst into a wild sobbing, the tears of a man who does not weep till the fountains of being are broken up. When he controlled himself he asked, "Who else knows about father?"

"Dr. Anther said he told Judge Garley and Mr. Enderby. I shouldn't be surprised if Mrs. Enderby knows too, but I don't believe Mrs. Garley does. Mr. Hawberk did. And your Uncle John. I guess that's all."

"And now, everybody must know! I will begin with Hope."

His mother said nothing to this; it was as if she considered it his affair, in which she had no longer any part. She sat awhile, but not apparently for further speech with him. Then she rose and took her lamp. "I guess I will go to bed, now." She moved absently toward the door. She turned, and came back to light another lamp, which stood ready on a table. "I was leaving you in the dark—"

"I would rather," he broke out. "Don't light it! I can find my way. Good night, mother!"

She looked at him, faltering, and then she stooped and kissed him on the forehead, and left him sitting in the dark. He realized that he was sitting before his father's portrait, and that it had been witness of the scene which had passed. He mutely said to it, "I must begin to undo."

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He sat through the night, and in the morning, Norah returning to the house, and letting herself in with a latch-key at the front door, woke him from the drowse he had fallen into, and after his bath, forced him to drink the coffee she had brought him in the dining-room. She was very gentle with him, and he with her, like people sharing the sorrow of the same house of mourning, but beyond the exchange of a few questions and answers about his voyage home, they did not speak till he said, "What did my mother mean, Norah, about having just got back here? Has she been out of the house?"

"And didn't she tell you? We all been up at the doctor's keepin' house there, and doin' for him, me and Mary and your mother, ever since it was sure he was goin' to be bad. I thought some one would be writin' to you!"

"No," Langbrith answered, briefly.

"Miss Hope was with us, too, some of the time, and Mrs. Enderby. But it was all no use, as far as the doctor went. He didn't know one from another, after the first day or two. Mary has got ye some rice cakes, Mr. James. Won't ye have anny?"

Langbrith was pushing back his chair. "No, I don't want anything more, Norah. I'll be back before long, tell my mother, when she comes down."

"And I hope then she won't come down soon, if she's sleeping. It's more than she's done for the last week."

He went away with the trivial sense of Norah's Yankee correctness in her Irish parlance, which he did not remember to have noted before, and he had no question of going directly to find Hope at eight o'clock in the morning.

She was waiting for him, even then, though it could not be said that she was expecting him. He had figured holding himself from her out of duty to her, but they were in each other's arms before he could help it. In that mutual transport, and while he still pressed her close to him, she divined his constraint, and asked, vividly, "What is the matter?"

"I want to tell you, but I don't know how he began."

"Well, don't *mind* now," she said, with the first gleam of her inextinguishable gayety. "Do it anyhow," she added, "there isn't anything I can't bear now—now *you're* here."

"Oh, Hope, dearest!"

"Is it something dreadful? Something about *us?*"

"It's about your father," she pulled herself away, he felt indignantly, "and mine. I should think I was dreaming, but I know I'm awake for the first time in my life. Every one must know the truth, but I must begin with you."

"What do you mean, James Langbrith?" she demanded, severely; and he found the strength of despair.

"My father was not what I believed. He was a man that—that—wronged every one he had to do with. He wronged your father so cruelly that he drove him to the opium."

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"*Your* father? *Mine?* Why, you must be crazy!"

"If you say that you will make me so. But I am perfectly sane at last. Uncle John told me about it yesterday coming up from New York, and I've come the first thing this morning to tell you. I told mother last night that I was coming to release you, and to give back all that my father had stolen—stolen!—from yours. It makes me feel as if I had stolen you."

"Now, James Langbrith," she broke out upon him from her bewilderment, "you just stop being silly, and tell me exactly what you're talking about." She took his hand, and pulled it vehemently while she fixed him with her eyes.

He began again, and now he told her the greater part of the story that John Langbrith had vindictively poured out upon him. He could not bring himself to speak of his father's hidden life; the innocent shame that was between them forbade that; but somehow he possessed her of all else that he knew, while she kept clutching his hand convulsively, and pulling herself to him. "This has been my home-coming. I—didn't sleep last night, and I'm rather broken up, or else I could have prepared you—"

"Oh, you poor thing!" she put forward her left hand and passed it over his reeking forehead, as if he were her child, in the divine mother-pity which is in a woman's heart even for her husband or her lover. "You are the injured one, kept in the dark so, all your life."

He tried to resist her compassion, but his head fell upon her breast. "It had to be so. And now," he said, "the most I can do, is to make restitution of what you have been robbed of, and give you back yourself."

"Oh, how ridiculous!" she said, with a bewitching inadequacy, while she smoothed his hair with her hand. "Do you suppose father would want *you* to do that? And I won't have myself back, as you call it! What would I do with myself, if I had it?" she added. "Now you be still, and let *me* talk awhile. I don't believe it's as bad as your Uncle John says, and if it is, it don't make any difference now. It's all past and gone, isn't it? I guess father got the fun out of his inventions, even if somebody else got the money. He was so happy this last year that it would have made up for anything. I do believe that he couldn't have enjoyed it so much if it hadn't been for what went before. He never said a word to me to show that he felt injured, and he liked *you,* James; he was proud of you, and he believed in what you were trying to do, over there, even when I couldn't, always. Father was a genius, *I* think. Don't you?"

"Yes—"

"Well, then, he had his good time as it went along. He took it with him, as you may say. And as far as I'm concerned, and that restitution of me that you talk about, I guess we'll just have me in the family."

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If his despair had been what he thought it, he could not have resisted her sweetness, her greatness; he could not have denied himself the pardon and the blessing it assured him. But he could not speak, and a little hurt at his silence stole into her drolling voice.

"Still, if you don't want me—"

"Oh, my dearest!" he cried out. "What are you saying?" and once more they took each other into a long embrace that said everything which they had both vainly tried to put into words. When they were so far parted that he could look into her eyes, he said, "How strange you are, Hope!"

"Am I? Well, that's what Dr. Anther used to insinuate, so it's a compliment that I'm used to. He seemed to think it was all right, even if you don't."

"I? Oh, Hope!"

"Well, *some* people, then. If they were in your place, they would say that it was very queer I shouldn't act more as if I felt father's going. And we haven't spoken of it; poor father! What would you say if I said sometimes I was glad of it? He was well when he went, and he hadn't touched a drop of laudanum for months and months. But I never felt sure about it, and I don't believe Dr. Anther did, and when I think how he used to suffer—well!" She was one of the women who rain and shine together, and now the tears fell over her pathetic smile.

"I know," he gulped.

"Sometime I'll tell you all about him, but not now. And I'll tell you about Dr. Anther. He was the best man that ever lived. Are you glad that you went home that night and took it back, with your mother?"

"It's what gives me the only courage I have left."

"Well, I'd rather hear you say that than that *I* gave you courage," she said; but he could see that she was a little jealous of the help of even a good conscience, and he answered, "You're my Hope."

She laughed into a sob, and then laughed out of it. "Then you must be equal to seeing grandmother. Come in and speak with her."

They had been sitting in the dim little parlor, and now Hope led him into the dining-room, where Mrs. Southfield was grimly chastising the breakfast-table for the disorder in which Hope had left it, when she flew to let Langbrith in at the front door. She paused with a plate in her hand, and transferred her fierceness to Langbrith's face. "Here's James, grandmother," said Hope, recklessly. "Can't you stop and shake hands with him?"

"I don't know," the old woman said, "as I want to shake hands with any of his tribe."

"Not when he's going to be one of *our* tribe, grandmother? That's what he says he is."

"I wouldn't trust anything a Langbrith says," Mrs. Southfield returned, with impartiality.

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"Well, then, it's what I say, too. Just shake hands, anyway," Hope bade her cheerfully, and after her grandmother had wiped her hand on her apron and given it to Langbrith, the girl pursued, "Well, now, that's settled," and when she had drawn him out of the room again by the hand that was still finding itself in his, she suddenly asked him "Did you like it?" and at his stare, she added, "The way grandmother welcomed you?"

"It was what I deserved," he answered, stonily.

"No, it wasn't, but it's what you'll get if you tell everybody about your father. "Will you do it? Can you?"

"I *will*, whether I can or not."

"I don't like that hard look in your face," she said, with a criticism that seemed general rather than special, then, with special application, she said, "It makes me afraid of you. I wonder if you'll be stubborn."

"Don't you want me to be firm in the right?"

"Yes," she sighed, "if you know what the right is."

He looked at her, perplexed. "Have you told any one else? Or no, you said you wanted to tell me first. Are you going to tell other people right away?"

"Can it be known too soon?" he demanded, gloomily. "I should like to stand by Dr. Anther's open grave and proclaim it, and take my father's shame on me before them all."

She only said, "Oh!" with so little liking for the imaginary spectacle that he had to brace himself for the effort of going on.

"That tablet must come down out of the library as publicly as I put it there. I must tell the whole community the facts of my father's life, so far as they can be decently known. I must own the wrongs he did, and ask any man who has a grievance against him to come forward and let me right him so far as I can."

"It sounds like a play, doesn't it?" she said, with a smile that was somehow loving as well as mocking. "Anybody can see that you will know how to write plays." At sight of the dismay in his face, she turned wholly serious. "James, you are crazy! Don't you see that it wouldn't do?"

"Why not?" he faltered.

"Because it is too late! You would just disgrace yourself and not help anybody. It would make the greatest scandal! And what good would it do?"

"That is not the question?"

"Yes it is, James, and if we are going to bear this together—"

"What have you to do with it?"

"Well, if I don't *take myself back*, I should say I had full as much to do with it as you!"

He stood daunted by what had not occurred to him before, and he could not answer her anything.

"Now do you understand?" she triumphed, tenderly. "I guess if it was my father that suffered the most I have the right to say the

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most; and I don't believe I should like to have everybody know the kind of family I was marrying into. Why, if grandmother treats you the way she does because she felt it in her bones about your father, what would she do when all the neighbors knew it, and it got into the papers? Think what Jessamy Colebridge would say; and Susie Johns!"

He knew that she was entreating him lovingly as well as mockingly, and though it was sweet, yet he could not make sure of the reality of what was so opposite to the picture he had carried night-long in his mind of her instantly agreeing with him, and supporting him in the ordeal he proposed to himself, in the event of her refusing his renunciation. "I don't understand you, Hope," he hesitated.

"Yes, you do, James Langbrith!" she retorted. "You see that I've got just as much to do with this as you have. Don't you suppose," she softly reproached him, "that I know how you feel, and how proud I am of you for it? But I'm not sure about it—I'm not sure it's right; and I'm not going to let you do it on your own responsibility, if I have any say in it. And I have, haven't I?"

"Why, surely! If I hadn't been so blindly selfish, I should have seen that without your telling me."

"I will settle it about your selfishness some other time. It's *my* selfishness now. This is something we can't decide between us. Do you know what I was just thinking?"

"Yes," he huskily responded. "That we could leave it to Dr. Anther."

"Yes!" she said, solemnly. "I am glad you knew. Who else is there?"

"My mother—"

"We mustn't put anything on her. But she had a right that you should think of her. Well?"

"Uncle John would be of no use."

"No."

"Judge Garley?"

"Of course you don't mean it. He is a good man, but he would just laugh at us. Why are we beating about the bush so? We must go to Dr. Enderby!"

"Yes, I really thought of him next, when I remembered that Dr. Anther—"

"I knew you did. Well, we ought to go to him at once. Don't let us hesitate. Wait till I get my hat."

She went up the cramped stairs, apparently into that chamber out of which he had once heard the nightmare groans of her father coming, and before she returned he heard her open some door down-stairs, and call cheerfully through it, "Don't you wash the dishes, grandma. I'll be back soon," and she joined him with her face freshened and brightened by the bathing-away of her tears.

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Her quick tilting was swifter than his long striding as they descended the hillside path towards the rectory, and she chanted to Mrs. Enderby among the autumn flowers beyond the fence with a gayety that she could not quite keep out of her voice, "How d'ye do, Mrs. Enderby! Is Dr. Enderby at home?"

XXXVI.

The two young people were upon Mrs. Enderby before she could drop her garden shears, and dismiss from her consciousness a prescience of their coming for a purpose she had long associated with them, and replace it with a decorous sense of all there was in the circumstances of their lives to banish that from them for the time. She was smiling too radiantly upon Langbrith, she felt, even when she had effected the substitution, but she could not help it. She could only make an apposite reflection on the strangeness of life, as she asked him about himself, and about his mother, and formulated some just observations on the sad home-coming this must be for him in the losses which he shared with them all. Then she said, "The doctor is in his study. Won't you go in?" and offered to remain outside, but Hope said—

"We want you, too, Mrs. Enderby. It's something that we want you both to talk with us about; don't we, James?" she ended, with a deference to him which seemed to Mrs. Enderby very pretty.

"He is trying to write his sermon—for to-morrow, you know," she explained more directly toward Hope; but it was now Langbrith who answered.

"If it is the funeral sermon, what we may have to say will be fit, perhaps."

"Oh, he will not mind being interrupted by you, in any case," she said, with her mind playing mechanically away from the occasion to the duty she had of always sequestering the rector when he was writing.

After the greeting to Hope, and the formalities with himself, Langbrith took the word with a dignity and composure that Mrs. Enderby saw kindle the girl's eyes with pride in him.

"I was saying to Mrs. Enderby that I hoped our errand wouldn't be out of keeping with the subject of your sermon, if you are writing about Dr. Anther. He knew something—something of my—family history which never came to me till yesterday. My ignorance of it was the means of a cruel misconception on my part, and of most generous forbearance on his; and it is a question now of what can be done in reparation from me,—the sort and measure of it."

Langbrith paused, and the rector sat kindly interpreting the young man's thoughts by the light of his previous knowledge. But it was not for him to forestall the confidence which he felt was about to be offered to him. He merely said, "I could hardly imagine

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anything you could tell me that would heighten my sense of Dr. Anther's worth."

"Yes, I know that," the young man assented, with a humility, which made the other accuse himself of having not been quite clear. "But before I speak of him, I ought to say that I owe *you* some reparation. When I asked you to say some words at the dedication of the tablet to my father, I didn't know that my father —that my father—" He choked. He had easily told Hope, not only because, as she had made him realize, that it was as essentially her affair as his, but because also there was something in the confession of his father's iniquity to one so supremely concerned which supported him; but his heart sank with a sense of the common shame awaiting him from the common knowledge, as it intimated itself to him from even such pity as Dr. Enderby's. He perceived that it was not the victims of his father's misdeeds whom he feared, but the witnesses of these whom his confession would create. Instinctively, he looked toward Hope for help, but she dropped her face, and at the pathos of this Mrs. Enderby addressed a murmur of appeal to her husband.

Probably he saw no reason for putting Langbrith to the ordeal he shrank from, and he said, "You needn't go on! I think I know what you want to say. I did not know it when you asked me to speak those words, but I knew it before I spoke them—from Dr. Anther."

Langbrith fetched a sigh of relief that was almost a groan. "I won't say," the rector continued, "what I might have done if I had known it all when you asked me, for I am no longer master of such a situation, and I can't go back to it and recreate it. But I was informed in time to refuse a part in that ceremony, and I did not, for reasons that still seem to me good."

Langbrith passed his right hand over his forehead, and was aware of having Hope's hand in his left as he did so. "Would you mind," he huskily asked, "telling me your reasons."

"They are not very profound. They related less to myself than to the effect of my refusal with the public—of the ultimate effect, if the cause of my refusal became, we will say, notorious. I had not much time to give to the matter, but I find that I don't think differently now, upon further reflection. It seemed to me that no good and much harm could come of revealing the past; that so far as your father was concerned, we had no right to enter into judgment, and that so far as God's purposes were concerned, we had no right to act upon our conception of what they might be in such a case. Do I make myself understood?"

"Yes," Langbrith whispered.

"I believe that I said to Dr. Anther—in fact, I am sure I did—that to take upon ourselves any agency for supposed justice—for the discovery and the retribution implied by the concealment and the wrong in the case, would be in a manner forcing God's pur-

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poses; I don't like the phrase, now; but it expressed my meaning. May I ask how the matter has become known to you?"

"My Uncle John told me yesterday, as we were coming up from New York. We have had a difference about—the business, and I am afraid I—I affronted him; and—and he told me."

"In anger?"

"Yes, in anger."

The rector thought how it was written, "Surely the wrath of man shall praise Thee." It seemed to him that the Divine Providence had not acted inopportunely; and he was contented with the mode in which the young man had learned the worst; it was better that he should have come by the knowledge of it so than by any deliberate revelation, with such effect of authority as an officious interference could have arrogated to itself. His mother could not have told him, and she could not suffer Dr. Anther to tell him. But his father's brother might tell him, in anger and in hate, even, and out of his evil passions, and the evil passions they would arouse in the young man, evoke the best result possible from the otherwise hopeless case.

Langbrith waited for him to speak; then he said: "And what do you think I ought to do now?"

"Oh, I beg your pardon! What had you thought of doing?"

"Of making it all known; of undoing my father's wrong as far as I could, and of revoking my own acts in perpetuating his good name—the good name he has falsely borne in this community."

"That is natural—for you, and you will let me say that it does you honor. But— What do you think, Hope?"

"I think he oughtn't to do any such thing."

"Why?"

"Because I don't see what good it would do. And it would make a great deal of misery for nothing. I know that the Bible says things have got to come out, but it doesn't say that they need come out *here,* when there's nobody left to suffer for them except those that didn't do them."

"What do you say, my dear?" The rector turned his head towards Mrs. Enderby.

"I say what Hope does," Mrs. Enderby's eyes shone with admiration of the girl, as she smiled on her.

"And I suppose there can be no doubt of your mother's wish?" he asked Langbrith.

"I am afraid," said the young man sadly, "I hadn't considered her. I'm afraid that I have never considered her."

The rector sat in a muse which he was some time in breaking. "If it is something that you feel is for the good of your own soul," he spoke solemnly, "I could adjure you to speak out, and make confession of your father's sins."

"I was trying," said Langbrith, "not to think of my own good." He looked at Hope, but she would not meet his glance.

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"Then," said the rector, "though I know that it would be a relief to you to have all this known, and to take upon yourself the dishonor which the stupid and malignant love to visit upon the children of wrong-doers, I think you must not seek that relief. I would impose a more difficult, a heavier penance. I would bid you keep all this to yourself, as your mother has kept it to herself, and as your wife—excuse me, I didn't realize—"

"Oh, that is all right, Dr. Enderby!" Hope quaintly condoned his break.

"And as your wife," the rector resumed with fresh courage, "wishes you to keep it. I know that from my talks with Dr. Anther, this was finally his mind in regard to the matter, and he told me this was finally, or indeed, long ago, the mind of Hope's father. Yes, you must keep this secret locked in your own heart, until such time as the Infinite Mercy, which is the Infinite Justice, shall choose to free you of it. You will know the will of God when, if ever in this world, there is some event which may well seem a chance, leading to the discovery of what you have kept hid. Then you must own the truth promptly and fully. I believe in your good-will, and in your love of the truth, and I know that God will give you strength to do His purpose when He bids you."

XXXVII.

At Anther's grave, Enderby kept himself to the ritual of his church, and disappointed many who thought he would make some remarks, as they phrased it, on the dead man's life, more final than anything he had said in his sermon the day before. There was some disappointment with the sermon itself, which the rector shared, for in his reluctance to make it the mere personal praise of his friend, he was aware of having kept it too general. He would have agreed, if he could from his own knowledge, with those who said it was the least moving of the discourses of the day which had all dealt with Anther's character and career. At the Orthodox Church, the Catholic Church, the Methodist Church, and the Universalist Church, the qualities of the man who had now become a memory were dealt with directly, and his example interpreted as a lesson to those who heard. But Enderby shrank from eulogy, and while he knew that he was failing the expectations of his hearers, he had the consolation, such as it was, of knowing that he was dealing with Anther's memory as Anther would have had him if it had been his to choose. Even this consolation was alloyed by the consciousness that it was no more for Anther to choose being made little of than to choose being made much of, and that in deferring to an imaginable preference of the man, he was possibly as greatly in error as if he had pronounced the warmest and fullest panegyric of his virtues.

He could only say to himself that he had done what he could,

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when he feared, from the effect, that he had not done enough. He was curiously disabled by the personal considerations of the case, not only as concerned Anther himself, but as concerned Langbrith and his mother. In the friendship beginning tardily, but growing rapidly into something vitally strong between them, Anther had told the preacher of all that had passed with either of these and himself. He spoke of the affair as if it were a great while ago, and with a certain aloofness in which he judged himself as impartially as the others. From being the man in later middle life who had wished to form the happiness of a woman long dear to him, he had suddenly lapsed into an elderly man to whom it was appreciable that he could not have made her happy, but only more miserable, if he had pressed her to obey the prompting of her own affection for him. He had come to see that in a case where nothing was wrong, where everything was right, there were yet obstacles which could not be removed without a violence leaving a bruise destined to be lastingly sensitive. In his confidences to the man who understood him, he not only excused James Langbrith's part in the matter, as something natural and inevitable, but his tolerance retroacted toward the boy's father, and he accounted for Royal Langbrith with a scientific largeness in which Enderby could not join him. He seemed to have exhausted the hoarded abhorrence with which he had hitherto visited the sinner's memory, and to regard his evil life as a morbid condition with which the psychological side of pathology rather than morals had to do. He regarded him, apparently, with no more resentment than some treacherous and cruel beast whose propensities imply its prey, and which has satisfied them with a moral responsibility difficult or impossible for our ethics to adjust. In these speculations, Royal Langbrith seemed for him a part of the vast sum of evil, not personally detachable and punishable. As for that publicity which his revolted instincts had long demanded for Langbrith's sins he divined that it would have been the wildest and wantonest of errors. He cited the attitude of Hawberk toward the memory of his pitiless enemy. Hawberk once said that he guessed Royal Langbrith was built that way, and that it was too late to give him a realizing sense that there was anything out of order in his machinery. Hawberk said he had no wish to make anybody else suffer for what Royal, as he called him, had done. He doubted whether if Royal himself were on hand he would want to collect anything from Royal out of his pocket or out of his hide. He guessed his claims were outlawed.

Anther himself more than once approved the position which Enderby had taken in regard to the public celebration of Langbrith's public munificence, but in this he did not allay the disquiet of the rector's own mind concerning it. In this Enderby insisted that he had done no better than choose the least of the evils presented, and that somehow, some day, it behooved him to own

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the compromise made with his conscience. He did not see the way nor the hour, but he hoped that he was holding himself in readiness.

Early in the winter, the one vindictive foe of Royal Langbrith's memory perished in Mrs. Southfield, who had, indeed, only a conjectured, or as she believed, an inspired grievance. Such as it was she wished to visit it on the sinner's son rather than the sinner himself. Royal Langbrith had necessarily lapsed beyond her active hostility, and she turned this upon James Langbrith whose engagement to Hope she never ceased to oppose. Hope herself took the humorous view of her grandmother's opposition, as she had taken the humorous view of her father's long tragedy, not because it was not real and terrible, but because temperamentally she had no other way of bearing it, because in that way she could transmute it into something fantastic, and smile at what otherwise must have broken her heart. She did not try to reconcile her grandmother to what her grandmother held her weak recreancy, but she reconciled herself to her grandmother, and assented and coaxed and had her way, and kept Langbrith from offering his antagonist a vain and exasperating propitiation. Mrs. Southfield's antagonism endured to the end. On her death-bed she left Hope a hoarsely whispered warning against the Langbrith tribe, as her last charge. She might be said to have died of her vivid sense of a vague and unavenged injury, but her injury died with her, and with her died the sole reason against Hope's marriage.

There were people who contended for the fact of an unbecoming haste in her marriage, but these in their censure made no provision for the life of the girl, otherwise left absolutely alone in the world. Mrs. Enderby led the party against them, and with the support of Mrs. Garley, and their respective husbands, declared that Hope should not observe a vain decorum in waiting for a certain period of mourning to pass. She was married from the rectory, which Mrs. Enderby had made her make her home three months after her father's death, and something less than three weeks after her grandmother's, and she went at Christmas to live with her husband in his father's house. Mrs. Enderby would have liked to infer a mystical significance from the coincidence of the event with the sacred time, when peace on earth and good-will was prophesied in every sort. If Dr. Enderby had been still a Unitarian, she would have openly done so, but under the circumstances she was not sure how far she might loose her imagination without compromising some doctrinal position of his, or committing him to what he might have felt a sentimental fancy. She confined herself to suggesting the notion to him, and contented herself with his assent that they might tacitly draw what comfort they could from the notion.

She did not feel it right to share it with Hope, but she permitted herself to share fully with the girl the promise of her new happi-

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ness. There was no question of primacy in the house where Hope went to live between the elder and the younger Mrs. Langbrith. People are modified rather than essentially changed, and it would be fatuous to pretend that James Langbrith was not irked in his love of fitnesses by his wife's continuing in certain things her relation of guest to the house where she was really mistress. She left her mother-in-law the head of the table, and the poor woman whose life had always been in such an abeyance seemed to satisfy an instinct of dominance, never gratified before, in this shadowy superiority. The two worked equally together in other things of the house, and there was no change except a turning, so gradual as to be almost imperceptible, of the old Norah and of Mary, the cook, to the younger Mrs. Langbrith for instructions.

The change did not awaken any apparent jealousy in the passive nature of the older woman, whose bearing toward her son betrayed no trace of the past conflict, of her weak will with his strong will. At times, when he feared himself to have been almost obviously impatient with her illusory headship, or when Hope interpreted his restiveness to him in that sense and blamed it, he sought little occasions of reparation. But these seemed to afflict her, and Hope had to warn him against being apparently other than he had always been to her. He had to bear with that as he had to bear with another trial, which was less real. He had imagined removing his father's portrait from its place over the library mantel, but when he intimated his wish to Hope she vehemently forbade it. That, she said, was no more to be thought of, without the leading that Dr. Enderby had insisted upon as Langbrith's rule of action, than the removal of the commemorative tablet from the front of the town library. They must both stay till the providential time came.

As a matter of fact that time has never come. The evil life of Royal Langbrith remains as he hid it, except for the few contemporary and subsequent witnesses of it. To the rest of the community nothing is known; but as happens with men sometimes, of whom nothing is known, there has grown up in the public mind a certain conjecture of discredit. This may have sprung from chance expressions of Mrs. Southfield, in her theoretical distrust of the whole Langbrith tribe; she could not always be silent before people; but what is certain is that from the moment of the dedication of the votive tablet by the son, the myth of the father suffered a kind of discoloration not to say obscuration. Nobody could then say whether he was really the saint and sage that he was reputed, and of what nobody can say, the contrary can be affirmed without contention, with even some honor to the shrewd conjecture of those who affirm it.

The silence of Royal Langbrith's widow continued as unbroken as that of Anther in his grave. It was so inveterately the habit of her life that she never betrayed herself to Hope, and what passed be-

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tween her and her son was as if it had never passed. The whole incident of her proposed marriage with the man who was so truly her friend was without trace in her actual relation to her son. It may be that the forces of her nature exhausted themselves in the struggle to accomplish her happiness, or it may be that her happiness was never essentially involved, and that she submitted to her fate without the suffering which Mrs. Enderby preferred to imagine of her. She never spoke of Anther, and whether she ever thought of him in the tender reverence which was his due, Mrs. Enderby could not decide. Sometimes she was intolerably vexed with Mrs. Langbrith, sometimes she was resigned to the submission in which she saw the life of Mrs. Langbrith passing. That, when she came to think of it, was not without its dignity; and it was not what Anther himself, she realized, would have had changed into a futile rebellion. She realized, in her most vehement emotion that there were women who had been long happily married, and who when widowed lived on in the same silence concerning the happiness they had lost as Mrs. Langbrith kept concerning the happiness she never knew.

Whether she duly enjoyed the happiness of her son in his wife was another question which vexed the kindly witness; but she saw that at least Mrs. Langbrith lived in harmony with them, and that a quiet pervaded the whole household which might very well pass for peace. After a certain period, which John Langbrith himself fixed for the instruction of his nephew in the business of the mills, James Langbrith took charge of them, and released his uncle to that voyage round the world in whose course he was to lose his dyspepsia, perhaps with that equatorial day which lapses from the circumnavigator's calendar. He lost the day, if not the dyspepsia, and he returned with strength sufficiently renewed to bear it, which is probably the only real form of cure known to suffering. He then offered to let his nephew go back to Paris, if he wished, and resume his dramaturgical studies. There had been no explicit reconciliation between them, but a better reciprocal knowledge had done the effect of this, and it was with a respect for his nephew's ambition which he had not felt before that John Langbrith proposed to take up his job again in its entirety. The younger man did not respond directly. He asked his uncle, who had stopped in Paris on his way home, how Falk seemed to be getting on, and John Langbrith said Falk seemed to be doing well, and was at any rate working like a beaver; he had made a study of this fact, for he knew that James was paying his friend's way, and he did not want him to waste his money. He was not a judge of painting, but he was a judge of working, and Falk was working.

James Langbrith asked, "Did you have any talk with him about me?"

"Yes, I did," the uncle said, more promptly than willingly.

"What did he say?"

"Well, he said he would like to have you back, but—"

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"Well?"

"If you really meant business, you could write plays in Saxmills as well as in Paris. You could get it out of you, anywhere, if you had it in you."

James Langbrith did not ask if Falk had said anything of Susie Johns; he knew from Hope that their affair had been one of those without seriousness on either side, which pass with our young people in frequent succession, failing to eventuate in the matrimony which would be otherwise universal among us,—without attaching blame to either side. There was something else that interested the young man infinitely more in the things that his uncle volunteered to tell him. John Langbrith with greater reluctance than could have been predicated of him, either by himself or others, approached a fact which he said James ought to know, and when, without further preamble, he came out with it, his nephew agreed with him. One day at his hotel in Paris, he had received the visit of a lady who seemed at first disposed to make a mystery of herself. She was the widow, she said of a gentleman who had so far deceived her in marriage as not to have left her, at his death, so well provided for as she had expected, and she bore more heavily upon his want of candor in this respect than her own in another, though she was presently obliged to be entirely frank with John Langbrith. She was, it then appeared, the mother of that other family of his brother, who had provided for her so well that she was able to figure as a widow in easy circumstances when contracting her subsequent marriage. But her money had gone in the speculations which her husband was always engaging in for the increase of his fortune, and if her children had not been nearly all provided for in successful marriages, she would not have known what to do. She did not know what to do now, in the case of the daughter whom she had with her in Paris for the cultivation of her voice with a view to the operatic stage. She had, as she said, kept track of Mr. Langbrith's family, and she had heard that he left a son by another marriage—as she said; for in the retrospect she preferred to treat Royal Langbrith's relation to her as bigamous —very comfortably off. Without actually putting it she left with John Langbrith the question whether this son might not like to do something for his sister, and without actually putting it, John Langbrith now left the question with his nephew.

After a moment, James Langbrith asked, with a sickened face, "Did you see the girl?"

"Yes, I did."

"What sort of girl was she?"

"About the sort her mother was, I guess, at her age. Why not?"

"Did you hear her sing?"

"She can sing all right, I guess. Maybe that'll keep her straight. Any rate, it don't seem to matter so much in that line of life."

"Yes," James Langbrith assented from the dark, unwilling knowledge of the theatre which in the line of his ambition had revolted

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more than it had ever interested him. He added, "I will speak to Hope," and John Langbrith being apparently as sick of the subject as himself, they dropped it.

James Langbrith took it up again that night with his wife, recurring to the general fact in his father's history with the shrinking which he did not understand her not understanding. When he had got the fact before her, "What ought I to do?" he asked, with a frown of disgust, as at some loathsome sight.

"You ought to tell your mother, in the first place," Hope said, and he answered with still stronger repulsion:

"I don't see how I can."

"No," she assented. "I guess I shall have to do it for you," and Langbrith perhaps never felt so deeply her goodness and greatness as in this. With her wifely instinct, and the motherly instinct which was prophesying in her heart, she made known the fact to that virginal nature, which never otherwise approached it. Mrs. Langbrith perhaps never fully realized the relation that established itself between her son and his father's past in his assumption of his father's case responsibility, but Langbrith did so to the last fibre of his being. He needlessly stipulated with those people, as he always characterized them in his thought, that the recognition of the tie acknowledged was to be absolutely tacit; they had really no more wish to have it known than he; but at the bottom of Hope's heart there was what must be called a curiosity concerning her half-sister-in-law which she did not venture to own till she had Langbrith at a disadvantage where he was helpless. It was when they hung together one night over the cradle of their first-born, and felt the holiness of her innocence purify their hearts, that she said, dreamily, "If she were the child of people who had done wrong, I suppose she would be just as pure and sweet."

"What do you mean, Hope!" he cried, and she told him how she often thought of that girl, and how she longed to know what she was like, or what she looked like.

"Hope," he asked, "have you ever told Mrs. Enderby?"

"Indeed, I haven't!" she said, and then, woundedly, she asked, "Do you think I would speak of it without your knowing?"

"No, and I beg your pardon. I will ask the woman to send her picture."

But when the picture came, with the girl in the pose of the first part that had been given her in comic opera at Milan, which it had been her pride or her mother's to perpetuate in photography, Hope first gave the laugh that had so often defended her against the trials of life, and then prepared to break the blow to her husband.

He only glanced at the picture and said, without offering to take it from her, "We must keep on with the allowance," as if it had been in his mind instantly to withdraw it. He never asked her what she did with the picture, but when she had put it definitely away she remained with a longing to laugh herself over with somebody,

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in view of this over-satiation of her curiosity. She resisted her impulse to such a confidence with Mrs. Enderby not only because she was bound in honor against it, but because she did not believe Mrs. Enderby could enter perfectly into the spirit of the affair.

The wife of the rector, and through her the rector himself, continued in that patience with providence which those more intimately concerned were obliged to practise in a situation of apparently indefinite duration. Enderby's patience was more tacit than that of Mrs. Enderby, with whom it often took the form of inquiry whether he thought there would ever be any revelation of the secrets of Royal Langbrith's life. She alleged that passage of scripture, to which she had recurred from the beginning of her own privity. "There is nothing covered that shall not be revealed; and hid that shall not be known," and required him to reconcile it with the case in hand; and it is doubtful if she was fully satisfied with his suggestion that this did not finally or primarily refer to an earthly knowledge of the thing. Women, possibly, cannot imagine as men can the duration of human events as from everlasting to everlasting; time seems long enough to them for the accomplishment of the effects that flow from causes here below; and it appears a defect of the machinery, when we do not arrive at the results implied by the occasions of them. Their nature demands of the moral government of the universe a logical exactitude which their own words and acts seldom embody.

Enderby was loth to put his wife off with the only answer he could make, and to say that in the spiritual continuity of existence, eternity was not too far a term for the judgment of offences. He did not suffer with her at the hold which a bad man's life had kept after his death on those who survived him, and he reasoned in vain that good, evidently, and not evil, had come to others from leaving his life where the man himself had left it. In her logic she would have been willing the justice she longed for should have included the innocent as well as the guilty, but he gave her pause by making her reflect that in this instance earthly justice would include the innocent alone.

"Then you mean," she persisted, "that it must all go over to the day of judgment?"

"You know," he returned, "that I never like to say those positive things. But if we suppose that there is a day of judgment in the old sense, what else could it be for except for those sins on which justice has apparently been adjourned from the earthly tribunals?"

"There is something in that," she was forced to own.

"Besides, how do we know that upon this particular sinner justice has not already been done?"

"Why, what ever happened to *him*?"

"The fortitude of a man is no more the measure of his suffering than his weakness is. The strong suffer as much as the weak; only, they do not show it."

"Then you mean that Royal Langbrith suffered all that he made

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his wife, and that other wretched woman, and Hope's father, and Dr. Anther, and poor James Langbrith suffer?"

"I don't say that. But could there be fearfuller suffering than his consciousness in his sudden death that he could not undo here the evil he had done? Why should we suppose him to have been without that anguish, if men in the presence of mortal peril are tormented with the instantaneous vision of their whole lives?"

Mrs. Enderby was silent, and measurably appeased. But then the rector went a step farther, and in this it must be owned she could never follow him, great as her faith in him was.

"How do we know but that in that mystical legislation, as to whose application to our conduct we have to make our guesses and inferences, there may not be a law of limitation by which the debts overdue through time are the same as forgiven? No one was the poorer through their non-payment in Royal Langbrith's case; in every high sort each was the richer. It may be the complicity of all mortal beings is such that the pain he inflicted was endured to his behoof, and that it has helped him atone for his sins as an acceptable offering in the sort of vicarious atonement which has always been in the world."

"But the blight—the misery he has left behind him," she protested.

"Why," the rector said, "he seems to have left that around him rather than behind him. He made some of his own generation miserable—Hawberk and his wife, and his own wife, and that other woman, and Anther for them and with them. But Hope and James Langbrith are not unhappy. They are radiantly happy, and more wisely happy for tasting the sorrow which has not passed down to their generation."

"Then you don't believe that the children's teeth are set on edge by the sour grapes their fathers have eaten? What does the scripture say?"

"There are many scriptures, my dear. The scripture also says that the son who has not done the iniquities of the father shall not pay their penalty."

(The End.)

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CONTRIBUTORS TO THIS NUMBER.

H. C. Lodge,

one of the most cultured and scholarly of American statesmen, has long held a large place in the esteem of his countrymen. He was editor of the North American Review from 1873 to 1876, and in the latter year he was appointed University Lecturer on American History at Harvard, a position which he held for three years. In 1886 he was elected a member of the House of Representatives, and during the years in which he served his constituency in that capacity he exhibited such marked ability in representing their interests, and in dealing with the greater questions of national concern which came up for consideration in the lower house of Congress, that in 1893 he was transferred to the United States Senate, in whose deliberations he has ever since taken a commanding part. Senator Lodge has been a life-long student of American history. Among the works which have resulted from his investigations in this field may be mentioned "A Short History of the English Colonies in America," "The Story of the American Revolution," "Hero Tales from American History," and, in the "American Statesmen Series," the lives of Daniel Webster, Alexander Hamilton and George Washington.

William F. Sheehan,

Chairman of the Democratic National Committee in the present campaign, was admitted to the bar in 1881 and for some time practised law in Buffalo, his native city. Becoming interested in politics, he was elected in 1885 a member of the New York Assembly, in which he sat till 1891, when he was elected Speaker of that body. Mr. Sheehan was Lieutenant-Governor of New York from 1892 to 1895, and since 1895 he has practised law in New York city.

Henry Mills Alden,

the honored Nestor of American magazine editors, is a native of Vermont. After graduating from Williams College in 1857, he entered Andover Theological Seminary, where he studied for three years, though he never took orders. He was editor of "Harper's Weekly" from 1863 to 1869, and since the latter year he has been editor of "Harper's Magazine."

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Among his published works are "God in His World" and "A Study of Death." In 1863-4, Mr. Alden lectured before the Lowell Institute, Boston, on "The Structure of Paganism."

ROBERT BINGHAM

is a native of Hillsboro, North Carolina. His grandfather, a graduate of Glasgow University, was Professor of Latin in the University of North Carolina, and in 1793 he established the Bingham School at Asheville. This enterprise was continued by his son, and it has been the life-work of the subject of this note. In 1857 Colonel Bingham graduated from the University of North Carolina. After some time devoted to travel and study, he taught in his father's school until the outbreak of the Civil War, when he organized a company and entered the Confederate service as a captain in the 44th North Carolina Infantry. He eventually rose to the command of his regiment, and surrendered with it at Appomattox. He became Superintendent of the Bingham School in 1873.

BROOKS ADAMS,

the fourth son of Charles Francis Adams, the United States Minister to England during the Civil War, graduated from Harvard in 1870. He studied in Harvard Law School for a year, and then went to Geneva as private secretary to his father, who was one of the arbitrators upon the "Alabama" claims under the Treaty of Washington. On his return he resumed his legal studies, and having been admitted to the bar he practised law until 1881. Since then he has devoted himself mainly to literature. He is the author of "The Emancipation of Massachusetts," "The Law of Civilization and Decay," "America's Economic Supremacy" and other works.

BARRETT WENDELL

has greatly advanced the credit of American culture through the signal recognition which his own attainments and talents have won from European scholars. In 1902, he was the Clark Lecturer at Trinity College, Cambridge, his subject being "English Literature;" and he has been invited to inaugurate the Lectureship on American Literature recently established at the Sorbonne by a series of lectures in Paris during the coming winter. Professor

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Wendell has been associated with the teaching staff of Harvard for nearly a quarter of a century. From 1880 to 1888, he was Instructor in English; from 1888 to 1898, he was Assistant Professor; and in the latter year he was promoted to the chair. He has wielded a busy and versatile pen, among the more important productions of which are "Shakspere: a Study in Elizabethan Literature" and "A Literary History of America."

CHARLES W. THOMAS

was born in Jackson County, Illinois, and educated at Urbana University in Ohio. When the Civil War broke out, he enlisted in a cavalry regiment and won a commission by courageous action in battle. Wounded in a skirmish in Arkansas, he was compelled to return home, when he studied law. He was admitted to the bar in 1866. Since then he has practised in the State and Federal Courts. For the past twenty years he has been a member of the bar of the United States Supreme Court. Mr. Thomas was a delegate to the National Republican Conventions of 1880 and 1904, and was one of three men who were primarily responsible for the nomination of General Garfield.

ROYAL CORTISSOZ

was born in New York. The foundations of his artistic education were laid in the architectural office of McKim, Mead & White, and his studies have been further pursued in Europe, especially in France and Italy. He is now the Literary Editor and Art Critic of the New York *Tribune*. He has contributed many essays on literary and artistic subjects to the leading magazines.

JAMES W. GARNER

is Assistant Professor of Political Science in the University of Illinois. He was born and brought up in Mississippi. He was Lecturer in History at Columbia University in 1902-03, and Instructor in Political Science in the University of Pennsylvania in 1903-04. From time to time he has contributed articles to a number of periodicals. He wrote most of the articles on political science in the new "International Encyclopædia," and he edits the book department of the Annals of the American Academy of Political and Social Science. He is the author of a book entitled "Reconstruction in Mississippi."

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ELIZABETH BANKS

is a graduate of Wisconsin Female College. She began her career as a society reporter in St. Paul. After a visit to Peru as secretary to the American Minister, she joined the staff of the *Baltimore Herald* as society editor. In 1893, she went to London, where she engaged in newspaper and magazine work until a few months ago when she returned to her native country. She is the author of a number of books, including "The Autobiography of a Newspaper Girl," "In Cap and Apron," and "Campaigns of Curiosity."

FRITZ KESTNER

is Special Government Representative of the Department of Workmen's Insurance on the Imperial German Commission to the World's Fair at St. Louis. His various publications on social economy have won for him a high reputation in Germany and other European countries.

W. G. BALLANTINE

graduated from Marietta College in 1868, and from the Union Theological Seminary in 1872. After studying in Leipzig, he joined the American Palestine Exploring Expedition. He was Professor of Chemistry and Natural Science in Ripon College, 1874-76; Assistant Professor of Greek in the University of Indiana, 1876-78, and Professor of Greek and Hebrew, 1878-81; Professor of Old Testament Language and Literature in Oberlin Theological Seminary, 1881-91; and then President of Oberlin College till 1896, when he resigned. In 1897, he was Instructor in the Bible in the International Y. M. C. A. Training-School in Springfield, Massachusetts. He is the author of a large number of important works on Biblical subjects.

WORLD POLITICS.

The purpose of this Department is to keep the readers of the REVIEW informed as to the policies and activities, domestic and international, of the leading Powers of the world. It will contain communications from London, Berlin and Washington every month; and these will be supplemented by letters, at short intervals, from the other great capitals. The Editor has been fortunate in securing the services of correspondents who have special access to central sources of information.

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